Some Sober

INSPECTIONS

Made into the

CARRIAGE

And

CONSULTS

Of the

Late Long-Parliament,

Whereby

Occasion is taken to speak of *PARLIAMENTS* in former Times, and of

MAGNA CHARTA,

With some Reflexes upon Government in general.

Cupio ut rectè Capiar.

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To His

HIGHNESSE

The Lord

Protector.

My Lord,

AMong the multitude of mighty *Atchievements* which your Highneſſe hath performed ſo much to the aſtoniſhment of Mankind, The *Diſſolving* of the late

Long Parliament may well deſerve to bee rank'd in the numbe : For thereby your *Highneſſe Hercules*-like, may be ſaid to have quell'd a Monſter with many heads; ſuch a Monſter that was like to Gormandize and Devour the whole Nation, as will appear in the enſuing Diſcourſe, which though ſmall in Bulk, yet the Subject matter is of the greateſt Concernment (otherwiſe I had not ventured on ſo high a *Dedication*) for it treats of the power and practiſe of *Engliſh* Parliaments in former times, with the firſt Riſe of the *Houſe of Commons*, and of *Magna Charta*, &c. which will bee found to have had but hard births.

There was matter enough to have Compil'd a far greater Volumn, but I have woon'd it upon a ſmall Bottom, in regard that beſides my natural hatred to ſuperfluities and circumlocutions, I would

not bee ſo unmannerly as to hold your Highneſſe too long, who have ſuc a world of high buſineſſes perpetually in your thoughts. One thing I humbly promiſe your Highneſſe, that the quotations here produc'd (whereof there are many) are all true, and extracted out of Authentick Records, but what conſequences ſoever are drawn from them, the *Judgement* is ſtill reſerv'd for your Highneſſe, *En dernier reſſort.*

There is a memorable ſaying of *Charles Martell* in that mighty Revolution in *France*, when hee introduc'd the ſecond Race of Kings, That in the purſuit of all his actions, he uſed to ſay, that *He followed not the Ambition of his Heart, as much as the Inſpirations of his Soul, and the deſigns of Providence*: This may be applied to your Highneſſe in the

Conduct of your great Affairs, and admirable successes.

So craving pardon for this high presumption, and the boldnesse of the Subject, for which I humbly beg your protection, I rest in the lowliest posture of obedience

At your Highnes's command

J. H.

To

To the

Knowing READER

Touching

The *Method* of this Diſcourſe.

THere are various wayes for the conveyance of knowledge to the underſtanding, and to diſtil it by degrees into the Cels of humane brain; It may be done either by a down-right Narration *and* continued Diſcourſe; *Or by* Allegories, Emblemes, *and* Parables; *Or by way of* Dialogue, Interlocutions *and* Conference; *The firſt, is the* Eaſieſt *and moſt* Uſual *way; The ſecond, is the moſt* Ingenious *and* Difficult; *The laſt the moſt* Familiar *and* Satisfactory; *When one doth not onely inform but remove, and anſwer all objections and quæ-*

ries

ries that may intervene all along in the purſuit of the matter.

It is the mode and method of this Treatiſe, which diſcourſing of the affairs of England, *proceeds by way of* Colloquy *'twixt* Philanglus *and* Polyander: *The firſt a good Patriot, and great lover of the* Engliſh; *The other a perſon who had ſeen much of the world abroad, and ſtudied* men, *as both their names do intimate.*

Conveniunt Rebus Nomina ſæpe ſuis

J. H.

Some Inſpections made into the Cariage and Conſults of the late long PARLEMENT, &c.

In a Colloquy 'twixt *Philanglus* and *Polyander*.

Philanglus.

Gentle Sir,

HOw glad am I to ſee you ſo well return'd to *England* after ſo long a ſeparation, having breath'd air under ſo many diffeting Climes, convers'd with Nations of ſo many differing complexions, and made ſo many hazardous voyages and itinerations

nerations both by land and Seas, as I understand you have.

Polyander.

'Tis true, there is a kind of hazzard that hovers over our heads whereſoever we paſs in this tranſitory incertain world, the *Morning cannot preſage what the Evening may produce*, ſome odd thing may happen 'twixt the cup and the lip; but the danger of forrein travel, or peregrination is nothing ſo great as 'tis commonly apprehended; one may travell all *Europe* with as much ſecurity and accommodation as any part of *England*; one may goe from *Calis* to *Conſtantinople*, as ſafely as from *Briſtol* to *Berwick*; one may paſſe from *Vienna* to *Venice*, from *Paris* to *Prague*, from *Madrid* to *Magdenburgh*, as ſecurely as from *London* to *Lancaſter*, or from Saint *David's head* to *Dover*; 'Tis true, that before *Negotiation* and *Commerce* made mankind more communicable, it was an uncouth thing to travel, or make removes far from home: In this Iſland, not an age ſince, if one were to make a journey from *Wales* to *London*, much more from *London* to *France*, it was uſual for him to make his laſt will; but now the world growing ſtill more populous and people more ſociable by *mutual traffique*

traffique, and *knowledge* of *languages*, the case is altered; In my whole ten years travel, I thank my Creator, I never rancounterd any danger or difficulty, but I might have met with the like in *England*; if one observes these three small Imperatifs, *audi*, *cerne*, *tace*, hear, see, and be silent, he need no other passeport to travel the world; But dear Sir, now that I am return'd to breath *English* air again, I hold it one of the best welcomes to find you so well after so long an absence, and I embrace you with both my arms, giving you a thousand thanks for the fair respects, and *litteral* correspondence you kept with me while I wandered abroad, for it was my greatest comfort.

Philanglus.

Sir, you teach me what I should say to *you* in this point, but truely you should have had a more frequent account of matters here, but that of late years it hath been usual to intercept and break up *letters*, which is a baser kind of *burglary* then to break into ones *house*, or *chamber*; for this may be a plundering onely of some outward pelf, or baggage of fortune, but he who breaks open ones *Letters*, which are the Ideas of the minde (as is spoken

elſewhere) may be ſaid to riſle the very brain, and rob one of his moſt precious thoughts, and ſecret'ſt poſſeſſions: But Sir, now that I have the happineſſe to re-enjoy you, what doe they ſay abroad of theſe late revolutions in *England*?

Polyander.

They ſay that the *Engliſh* are a ſturdy, terrible and ſtout people, that the power and wealth of this Iſland was never diſcovered ſo much before both by Land and Sea, that the true ſtroke of governing this Nation was never hit upon till now; *Politicians* new and old have beaten their brains, and ſhot at rovers in writing of divers ſorts of Governments; but the wiſeſt of them concur in this opinion, that there is no Government more reſembling Heaven, and more durable upon Earth, or that hath any certain principles but *Monarchy*, and ſuch a Monarchy that hath an actual viſible Military ſtrength to ſupport it ſelf, and not only to *protect*, but to *awe* the people. *Ariſtotle* in his Politicks ſpeaks of ſundrie ſpecies of Governments, he writes of *Monarchy*, *Ariſtocracy*, *Democracy*, *Oligarchy*, and *Stratocracy*, (as the *Greek* tongue hath a faculty above all others in compounding names for

forthings;) but he is irresolut to determin what *Aristocracies* are truly perfect, he hath only this one positive assertion, that Aristocracy *allowes no Artificer to be a Citizen or Counsellor*; Much of his discourse is of the first Founders of Commonwealths, as *Phaleas* of the *Chalcedonian*, *Hippodamus* of the *Milesian*, *Lycurgus* of the *Lacedemonian*, *Minos* of the *Cretan*, and *Solon* of the *Athenian*; then he proceeds to correct the errors of Common-wealths before he tels us what a *Common-wealth* is, which is (under favour) an Irregularity in method. In his first book he speaks only of the parts of a City, or Common-weal, but he tels us not what they are til he comes to his third Book, where in handling the kinds of Government in generall, he flies backward and forward in a disorderly way; but when he comes to treat of particular forms, he is full of contradiction and confusion; in some places he seems to deny any natural right and publick interest, (much more any *underived Majesty*) in the *people*, whom he saith to *be little inferiour to beasts*; whereas elsewhere he affordeth a liberty to every City, to set up either by force or cunning what government they please, which in effect is to allow men to doe

what they list *if they be able*: But at last he confesses that after *Kings* were given over in *Greece*, Common-wealths were made of them who *waged warre*, and that all power was summ'd up in the Government of an *Army*, which is pure *Stratocracy*, or Military Government.

Philanglus.

We cannot blame this great Philosopher to rove herein up and down, it being impossible for any humane brain to prescribe any certain and infallible universal rules of Government that may quadrat with the nature of all climes, and be applicable to the humors of all people; all other *Arts* and *Sciences* have *apodictical*, and undenyable *principles*, but the *Art of Government* hath no such Maximes; the reason is the various dispositions of people, and a thousand sorts of contingencies that attend worldly affairs; it is, you better know then I, one of the main principles of policy in *France* to keep the *peasan* (which is the grosse of the people) still indigent and poor, because they are of such a volatil instable nature, that if they were rich and fed high, *wealth* and *wantonesse* would make them ever and anon to be kicking against Government, and crying

ing out for a change, whereas this principle of policy is held to be a paradox in *Spain*, and other Countreys. Some Nations are so firy mouth'd, that they must be rid with a *bit*, if not a *Martingbal*, but a *snaffle* will serve others: nor are the same laws fit for the *Continent*, that are proper for an *Island*, nor those of a *Maritim Continent* fit for a *Mediterranean* Countrey.

Polyander.

I concur with you there is no Art so difficult, and fuller of incertainties, as *Hominem homini imperare*, as the *art for man to govern man*, which made one of the deepest *Statesmen* these modern times afforded to confesse, that though he had served so many *Apprentiships*, and been a *Journeyman* so long in this *Art*, and reputed a *Master*, yet he found himself still a *Novice*: For State affairs as all sublunary things, are subject to alteration, the *wisdome* of one day may be the *foolishnesse* of another, and the week following may be Schoolmistress to the week before in point of *experience*, which is the great Looking-glass of Wisdome, and Policy.

Therefore whereas *Aristotle* useth to be constant to himself in all other Sciences

while he displayes the operations and works of Nature, when he comes to treat of *humane government*, he is not only often at a losse, and inconstant to himself, but he involves both himself and the Reader in ambiguities.

Philanglus.

I am of opinion that there is in policy but one true Vniversal Maxime, which is, as you said before, *to have alwayes a standing visible effectif power in being*, as well to *preserve*, as to *curb* a people; and it is very fitting they should pay for their protection, it being a rule all the world over, and grounded upon good reason, *Defend me, and spend me.*

Polyander.

It is so indeed every where; how willing is our confederat the *Hollander*, so he be protected in his trade, to part with any thing, to pay tols for what he hath either for back or belly; he is content to pay for all beasts sold in the Market the twelf part for *Excise*, six shillings upon every Tun of Beer, two stivers a week for every milch Cow, six pence upon every bushel of Wheat, and so upon all other commodities: The States of *Italy* do more,

in *Florence*, and the Republick of *Venice*, (which hath continued longest, and with least change in point of Government of any Country upon earth) ther's not a grain of Corn, not a glassefull of Wine, Oyl, Egges, Birds, Beasts, Fish, Fowl, yea, Grasse, Salt, and Sallets, but pay a *gabell* for the common defence, nay the *Courtisans* cannot make use of their *own*, but they must contribut to maintain twelve Gallies.

But Sir, now that I have been absent so long, I pray be pleased to tell me something of the proceedings of the late *long* Parlement, and of this mighty revolution; for I find such a kind of *transposition* of all things in point of Government, that *England* may be said to be but the *Anagram* of what she was.

Philanglus.

There is a *periodical* Fate, that hangs over all Governments, this of *England* may be said to have come to its *Tropique*, to a posture of turning; The people extreamly *long'd* for a Parlement, and they had a *long* Parlement, for it lasted longer then all the Parlements that ever were in *England* since the first institution of Parlements, put them all together; there was never

never such an *Idol* upon earth as that Parlement, for people thought there was an inerring spirit tyed to the Speakers chair, they pinn'd their salvation upon it, it was held blasphemy, and a sin against the holy Ghost to speak against it, nay some gave out that that blessed Parlement was as necessary for our *Reformation, as the coming of Christ was for our Redemption*; such a sottish kind of infatuation had seiz'd upon some kind of people.

Polyander.

But what did that Parlement do tending to the publick Reformation?

Philanglus.

What did they *doe?* They were like to *undoe* all things, had they sate longer, which they had done till doomesday had they been let alone, and their Posteriors never aked; 'Tis true, they were somewhat modest at first, but by the lenity of a credulous easie King, they did afterwards monstrous things. They assumed to themselves all the Regalia's of the Crown, they seiz'd upon Sword, Great Seal, and Soveraignty, upon the Militia, and all the marks of Majesty, nay, they did arrogate to themselves the *Legislative* and Supreme power. *Po-*

Polyander.

But doth not the *Supreme Power* reſide in the *Engliſh* Parlement, which is an Epitome and Repreſentative of the whole Nation?

Philanglus.

I will not reſolve you in that, till I acquaint you with the Pedigree,& primitive inſtitution of Parlement, which I will endeavour to do as ſuccinctly as I can, but in regard that our Parlement was erected at firſt in imitation of the Aſſembly of the three Eſtates in *France*, in which Government you are ſo well vers'd, I pray do me the favour as give me a touch of the mode of *France* in thoſe publick Aſſemblies, and then I ſhall apply my ſelf to ſatisfie you touching *Engliſh*, *Iriſh*, and *Scots* Parlements, having in ſome meaſure ſtudied the caſe.

Polyander.

In *France* the Kings Writ goeth to the Bayliffs, Seneſchals or Stewards of liberties, who iſſue out warrants to all ſuch as have fees and lands within their Liberties, as alſo to all Towns, requi-

requiring all such as have any complaints, to meet in the principal City, there to choose Delegats in the name of the Province to be present at the *generall Assembly*. Being met at the principal City of the Bayliwick, the Kings Writ is read, and so the Delegates are elected and sworn; Then they consult what is to be complained of, and fit to be proposed to the King, whereof there is an Index or Catalogue made, which is delivered to the Delegats to carry to the General Assembly: All the Bayliwicks are divided to twelve Classes; but to avoid confusion, and to the end there may not be too great a delay in the Assembly by gathering of the voyces or suffrages, every Classis compiles a brief, or Book of the grievances and demands of all the Bayliwicks within that Classis; then these Classes at the Assembly compose one generall Book of the grievances and demands of the whole Kingdome. This being the order of the proceeding of the Comminalty or *third Estate*, the like order is observed by the *Clergy* and *Nobility*: so when the three books or *Cahiers* (as they call them) for the three Estates are perfected, then they present them to the King by their Presidents in the open great Assemby.

The

The first who presents the *Cahiers* is the President of the *Clergy*, who begins his Harang or Oration on his knees, but at the Kings command he stands up and so proceeds bareheaded; The President for the *Nobility* speaks next in the like manner; But the President for the *Commons* begins and ends his Oration on his knees: whilst the President of the Clergy speaks, the rest of that order rise up & stand bare, till they are bid by the King to sit down, and be covered; and so the like for the *Nobility*; but whilst the President for the Commin alty speaks, the rest are neither bid to sit, or to be covered. The grievances and demands being thus all delivered at once, and left to the King and his *Privy Councel* without further debate or expence of time, the *General Assembly* of the three Estates endeth, expecting afterwards such a redresse to their grievances, as the King and his Councel shall think fit.

Philanglus.

These proceedings of *France* are not much unlike the ancient usage of this Kingdome for many ages, when all Laws were nothing else but the Kings answers to the Petitions presented to him, and his Councel, as is apparent by many old Statutes,

Statutes, and the confeſſion of Sir *Edward Coke*; and now to acquit my ſelf of my former engagement unto you, I will impart unto you the manner and power of the Parlements of *Great Brittain* and *Ireland*; I confeſſe 'tis more properly the buſineſſe of a *Lawyer*, which I am none, otherwiſe then what nature hath made me, ſo, every man is a *Lawyer*, and a *Logitian* alſo (who was the firſt *Lawyer*) as he is born the child of reaſon, for Law and Logic are meerly founded upon reaſon; This diſcourſive faculty of Reaſon comes with us into the world accompanied with certain general notions and natural principles to diſtinguiſh right from wrong, and falſhood from truth.

But before I come to the *Engliſh* Parlement, a word or two of the Parlements of *Scotland*, and *Ireland*.

In *Scotland* about three weeks before the Parlement begins, Proclamation is made throughout the Kingdome, to deliver unto the Kings Clerk or Maſter of the Rols, all bills to be exhibited that Seſſions, then are they brought to the King, and peruſed by him; and only ſuch as he allows are put in the Chancelors hand to be proponed in Parliament, and no

no others; and if any man in Parlement ſpeak of any other matter then is formerly allowed by the King, the Chancelor tels him there is no ſuch bill allowed by the King: When they have paſſed them for laws, they are preſented to the King, who with the Scepter, put into his hand by the Chancelor, ratifies them, but if there be any thing the King miſlikes they raze it out before.

The Parlement in *Ireland* is after this manner. No Parlement is to be held but at ſuch a ſeaſon as the Kings Deputy there doth certifie the King under the Great Seal of the land, of the cauſes, conſiderations and neceſſity of a Parlement; The cauſes being approved of by the King a Licence is ſent under the broad Seal of *England* to ſummon a Parlement in *Ireland*, provided that all ſuch bils that ſhall be propoſed there in Parlement, be firſt tranſmitted hither under the Great Seal of that Kingdome, and having received allowance and approbation here they ſhall be put under the Great Seal of this Kingdome, and ſo return'd thither to be paſſed in that Parlement; this was called *Poinings Act* in the time of King *Philip* and *Mary*.

Having thus given a conciſe account

of

of the usage of Parlement in our neighbour Kingdomes, I will now passe to that of *England*.

Every *Freeholder* who hath a voice in the election of Knights, Citizens, and Burgesses to sit in Parlement, ought to know well, and consider with what power he trusts those whom he chooseth, in regard the power of the House of Commons is derived from that trust: Now that which gives authoritie for the *Freeholders* to make their election is the *Kings Writ* directed to the Sheriff of the County, in which is expressed not only the Sheriffs duty in point of summoning, but the Writ contains also the duty and power of such Knights, and Burgesses that shall be elected; therefore to know the full extent of the power of Parlement, you must have an eye, and observe well the words of the Writ; for the *Freeholders* cannot transfer a greater power then is compriz'd in the Writ to those that they appoint their servants in Parlement. The Writ being us'd to be in *Latin*, few Freeholders, God wot, understood it, or knew what they did; I will faithfully render the said Writ to you in *English*.

The

The King to the Vicount or Sheriff, Greeting.

WHereas by the advice and assent of our Council, for certain arduous and urgent affairs concerning us, the State, and defence of our Kingdom of England, and the Anglican Church: We have ordained a certain Parliament of ours to be held at our City of the day of next ensuing, and there to have conference, and to treat with the Prelates, Great men, and Peers of our said Kingdom; We command and strictly enjoyn you, that making Proclamation at the next County Court after the receit of this our Writ, to be holden the day and place aforesaid; you cause two Knights girt with Swords the most fit, and discreet of the County aforesaid, and of every City of that County two Citizens; of every Borough two Burgesses of the discreetest and most sufficient, to be freely and indifferently chosen by them who shal be present at such Proclamation, according to the tenor of the Statutes in that case made and provided; And the names of the said Knights, Citizens and Burgesses so chosen to be inserted in certain Indentures to be then made between you and those that shall be present at such election, whether the parties so elected be present, or absent, and

shall make them to come at the said day and place, so that the said Knights for themselves, and for the County aforesaid and the Citizens and the Burgesses for themselves and the Commonalty of the said Cities and Boroughs may have severally from them full and sufficient power to do, and to consent *to those things which then by the favor of God shal there happen to be ordained by the Common Council of our said Kingdom concerning the business aforesaid so that the business may not by any means remain undone for want of such power, or by reason of the improvident election of the aforesaid Knights, Citizens, and Burgesses; But we will not in any case that* you *or* any other Sheriff of our said Kingdom shall be elected: *And at the day and place aforesaid the said election, being made in a full County Court You shall certifie without delay to us in our Chancery under your Seal, and the Seals of them which shall be present at that Election, sending back unto us the other part of the Indenture aforesaid assiled to these presents together with the Writ. Witnesse our self at Westminster.*

This Commission or Writ is the foundation whereon the whole Fabrick of the power and duty of both Houses of Parliament is grounded. The first Hou

is to *parly or have conference, and to treat with the King*; the other house is onely to *do and consent* unto what the other shall ordain by their help and conference; so that by this Writ we do not find that the Commons are called to be any part of the great Council of the Kingdom, or of the Supream Court of Judicature, much less to have any share in the *Legislative power*, or to consult *de arduis regni negotiis*, of the difficult businesses of the Kingdom, but onely to *consent*; and Sir *Edward Cook* to prove the Clergy hath no voice in Parliament, useth this argument, that in their Writ also the words are to come thither *ad consentiendum*, to *consent* to such things as were ordained by the *Common Council* of the Kingdom; but the other word *ad faciendum, to do*, is not in their Writ, *action* being not so proper for them in regard of their *clerical* functions.

Polyander.

Then it may be well inferred from what you have produced, that the King with the Prelates and Peers is properly the Common Council of the Kingdom.

Philanglus.

Yes without controversie, nor until

the raign of *Henry* the first were the Commons called to the Parliament at all, or had as much as a consent in the making of Laws. *Camden* in his *Britannia* teacheth us, that in the times of the *Saxon* Kings, and the ensuing ages, that the great or Common Council of the land was *Præsentia Regis Prælatorum, procerumque collectorum*, the presence of the King with his Prelates and Peers. *Selden* also tells out of an old Cronicle of the Church of *Liechfield*, that King *Edward by the advice of his Council of Barons* revived a Law which hath lain dormant threescore and seven years; in the same Chronicle tis said, that *William the Conquerer held a Council of his Barons*, An. *Regni sui apud Londinias*. The next year after he had a Council of Earles and Barons at *Pinenden* Heath to decide the great controversie 'twixt *Lanfranc* Arch-Bishop of *Canterbury*, and *Odo* Earl of *Kent*.

In the 21. of *Edward* the third, there mention made of a Parliament held 5. *Quæstoris*, wherein all the Bishops of the land, Earls and Barons made an Ordinance touching the Exception of the Abby of *B.* from the Bishops of *Norwich*.

In the second year of *William Ruf.* there is mention made of a Parliament *cunctis Regni principibus*. In the seven

of his raign there was another Parliament at *Rockingham* Caſtle, *Epiſcopis, Abbatibus, cunctiſque Regni principibus coeuntibus*, wherein the Prelates, Abbots, and all the chiefe men convened in Council.

At the Coronation of *Henry* the firſt, all the people of *England* were called, and Laws were then made, but it was, as the ſtory ſaith, *per Commune Concilium Baronum*; In the third year; the tenth year, and the twenty third year of his reign the ſame King held a Parliament, or great Council of his *Barons, ſpiritual and temporal.*

Henry the ſecond in his tenth year had a Parliament at *Clarindon*, conſiſting of Lords ſpiritual and ſecular: in his twenty ſecond year, he had another at *Notingham*, and a while after another at *Winſor*, then another at *Northampton*, wherein there is mention made only of Prelates and Peers.

Richard the firſt after him held a Parliament at *Notingham* in his fifth year, conſiſting of Biſhops, Earles and Barons, which laſted but four days, during which time there were mighty things tranſacted; *Hugh Bardelf* was deprived of the Caſtle and Sheriffswick of *York* the firſt day; the ſecond day he had judgement againſt his brother *John* who was afterward King; the third day there was granted the King two

ſhilling of every plowd land in *England*; he required alſo the third part of the ſervice of every Knights fee for his attendance to *Normandy*, and all the Wool of the *Ciſtercian* Monks. The fourth day was for hearing of grievances; ſo the Parliament broke up, but the ſame year he convoked another Parliament of Nobles at *Northampton*.

King *John* in his firſt year ſummoned his *Magnates*, his great men to a Parliament at *Wincheſter*, and the words of the *Roll* are *Commune Concilium Baronum Meorum*, the Common Council of my Barons at *Wincheſter*.

In the ſixth year of *Henry* the third, the Nobles granted the King for every Knights fee two marks in ſilver at a Convention in Parliament; he had afterwards Parliaments at *London*, *Weſtminſter*, *Merton*, *Wincheſter*, and *Marlborough*; Now theſe Precedents ſhew that from the conquſt until a great part of the reign of *Henry* the third in whoſe dayes 'tis thought the Writ for election of Knights was framed firſt, the Barons onely made the Parliament or Common Council of the Kingdom.

Polyander.

By ſo many ſtrong evidences, and pre-

nant proofs which you produce, I find it to be a *Indian* truth, that the *Commoners* were no part of the High Court of Parliament in ages passed: Moreover I find in an antient Manuscript, that the *Commons* were reduced to a *House*, by the advice of the *Bishops* to the King in the brunt of the Barons Wars, that they might allay and lessen the power of the *Peers* who bandied so many yeers against the *Crown*; yet to prevent that they should not arrogate too much authority to themselves, (as *Asperius nihil est humilis cum surgit in altum*) it was done with those cautions that they had scarce as much jurisdiction given them as a Pyepowders Court hath, for they should neither exhibit an oath, nor impose fine, or inflict punishment upon any but their own members, or be a Court of Record, or grant Proxies, therefore it may well be a *quere* how they can appoint *Committees*, considering that those Committee-men whom they choose are no other then their Deputies, and act by power and *proxy* from them. But it is as cleer as the Sun that the Conquerour, first brought this word *Parliament* with him, being a *French* Word, and made it free Denizon of *England* being not known before; for therein the *Normans* did imitate the *Romans*, whose pra-

ctise was that whereſoever they conquered, they brought in their language with the *Lance* as a mark of conqueſt; I ſay that beſides thoſe inſtances you produce, I could furniſh you with many in the *Saxons* times who govern'd by the councel of the *Prelates* and *Peers*, not admitting the Commons to any communication in affairs of State: There are records hereof above a thouſand yeer old in the Reign of King *Ina*, *Offa*, and *Ethelbert*; and the reſt of the ſeven Kings during the *Heptarchy*. They called their great Councels and Conventions, then *Michael Smoth*, *Michael Gemote*, *and Witenage Mote*, wherein the *King and Nobles with the Biſhops* onely met, and made laws; that famous Convention at *Gratley* by King *Athelſtan* was compoſed onely of *Lords ſpiritual* and *temporal*; ſuch alſo was that ſo much celebrated Aſſembly held by *Canutus* the *Dane*, who was King of *England*, *Denmark*, and *Norway*: *Edward* the *Confeſſor* eſtabliſhed all his Laws thus, and he was a great *Legiſlator*. The *Britiſh* Kings alſo who retain'd a great while ſome part of this Iſland unconquered, governed and made laws this way by the ſole advice of their *Nobles* whom they call *Arglwyded*; witneſſe the famous Laws of *Prince Howel* called *Howel Dha* (the good King *Howel*)

whereof there are yet extant ſome *Welch* records, and divers of thoſe Laws were made uſe of at the compilement of *Magna Charea*.

But in your diſcourſe before, among other Parliaments in *Henry the third's* time, you make mention of one that was held in 55. of his reign, at *Marlbourough*, at which time *Braſton* the great Lawyer was in high requeſt, being Lord Chief Juſtice: They that would extenuate the *Royal Prerogative* inſiſt much upon a ſpeech of his, wherein he ſaith, *The King hath a Superiour God, he hath alſo the Law by which he is made; as alſo the Court*, viz. *the Earls and Barons, but not a word* of the *Commons*: But afterwards he doth interpret, or rather correct himſelf, when ſpeaking of the King, hee reſolves thus, *Nec poteſt ei neceſſitatem aliquis imponere quòd injuriam ſuam corrigat & emendet, cùm ſuperiorem non habeat niſi Deum, & ſatis erit ei ad pœnam quòd Dominum expectet ultorem*. Nor (ſaith he) can any man put a neceſſity upon the King to correct and amend his injury, unleſſe he wil himſelf, ſince he hath no Superior but God: It will be ſufficient puniſhment for him to expect the Lord for his avenge: To preſerve the honour of this great Judge, the Lawyers found out this diſtinction, That the King is free

from

from the *coercive* power of Laws and Councellors, but he may be subject to their *directive* power, yet according to his own will and inclination, that is; *God* can onely *compel* or *command* him, but the Law and his Courts may onely advise and direct him; but I pray Sir excuse me that I have so much interrupted you in your discourse. You may please now to proceed.

Philanglus.

To prove my assertion further, that the *Commons* were no part of the high Court, and Common Councel of *England*, I will make use of the testimony of Mr. *Pryn*, who was in such high repute most part of the late long Parliament, and appeared so eager for the priviledge and power of the lower House: In his Book of *Treachery* and disloyalty, he proves that before the *Norman* Conquest by the Laws of *Edward* the Confessor, the King was to do Justice by the Councel of the *Nobles of his Realm*: he would also prove that the *Earls and Barons* are above the King, and ought to Bridle him when he exorbitates from the law, but not a syllable of the *Commons*. He further tels us, that the *Peers* and *Prelates* have oft translated the Crown from the right Heir, whereof out of his great reading he urgeth

divers

divers Examples; First, after King *Edgars* decease they crowned *Edward* who was illegitimate, and put by *Ethelred* the right Heir: Then they crowned *Canutus* a meer forraigner in opposition to *Edmund* the lawful Heir to *Ethelred*. *Harold* and *Hardicanute* were both elected Kings successively without just title, the Lords putting by *Edmund* and *Alfred* the rightful Heirs. Upon the death of *Herold* the English Nobility enacted that none of the Danish blood should raign any more over them; *Edgar Atheling* was rejected by the Lords, and though he had the best title, yet they elected *Harold*. He goes on further in prejudice of the *Commons*, saying, that the beginning of the Charter of *Henry* the first is observable, which runs thus, *Henry by the Grace of God King of* England, &c. *Know ye that by the mercy of God and Common Council of the Barons of the Kingdom, I am crowned King. Maud* the Empress was the right heir, but she was put by the Crown by the *Prelates and Barons*, and *Steven* Earle of *Mortmain* who had no good title, was heav'd up into the Throne by the Bishops and Peers. *Lewis* of *France* was Crowned King also by the Barons instead of King *John*, and by the same Barons was uncrowned, and sent back to *France*. In all these high

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transactions, and changes, Mr. *Pryn* confesseth the *Commoners* had nothing to do the *despotical* and ruling power as well as the *consultative* being in the Council of Prelates, and Peers; and if Mr. *Pryn* could have found halfe so much Antiquity for the Knights Citizens, and Bourgesses, without question we should have heard from him with a witnes; but while he converseth with Elder times, he meets not with so much as the names of *Commoners* in any record.

Polyander.

How then came the *Commoners* to sway so much of late years, and challenge such an interest, in the publique Government, and making of Laws?

Philanglus.

It is a certain truth that in former ages the Kings of *England*, as well *Savons*, *Danes*, *Normans*, and *English* Kings did steer the course of their government by the advice of their own *Privy Council*, and in extraordinary cases by the compasse of the *great Council* consisting onely of *spiritual and secular Barons*, whom they convoked by royal summons when they pleased; I told you this word *Parliament* came in with the *Normans*;

Norman; yet the Commons were not call'd to Parliament till that raign of *Henry* the firſt, which was a good while after the Conqueſt; to which purpoſe Sir, *Walter Raleigh* writes, ſaying it is held that the Kings of *England* had no *formal Parliaments*, till about the 18. year of *Henry* the firſt, at which time the Commons were ſummoned, and the *great Charter* was granted: and if we believe Sir *Walter Raleigh* and others, the *Houſe of Commons*, and *Magna Charta* had firſt but obſcure births, being ſprung from *uſerpers*, and ſoſtered afterward by *rebellion*: for King *Henry* the firſt did but *uſurp* the Kingdome, and therefore to ſecure himſelf the better againſt *Robert* his eldeſt brother, he courted the the *Commons*, and granted them that *great Charter*, with *Charta de Foreſta*; which King *John* confirmed upon the ſame grounds, for he was alſo an *uſurper*, *Arthur* Duke of *Britain* being the undoubted Heir of the Crown, ſo the houſe of *Commons* and theſe *great Charters* had their original from ſuch that were Kings *de facto* not *de jure*.

Polyander.

It is obſerved that *uſurpers* are commonly the beſt Law makers, which they do to ingratiate themſelvs the more to the people, as beſides

besides these Kings you have named, *Richard* the third did, who was said to be a *good King* though a *bad man*, a character clean contrary to that I heard some abroad give of the last King, who they said was a *good man* but an *ill King*; but I pray be pleased to proceed.

Philanglus.

Whereas *I* told you before that it was in the raign of *Henry* the first, that the *people* were admitted to the Common Council of the Kingdome, yet they were not constantly called, for though the said King called them to his Coronation, and againe in the 15. or 18. year of his reign, yet he did not so alwayes, neither many of those Kings that succeeded.

Polyander.

I remember to have read one remarkable passage in the reign of *Henry* the first, that in his third year for the marriage of his daughter, he raised a tax upon every hide of Land, but he did this by the advice of his *Privy Council* alone without consulting publiquely with either *Prelate*, *Peer*, or *People*.

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So did divers of his Anteceſſors, and ſucceſſors alſo after the *Commons* were admitted to partake of the Common Council; But to illuſtrate this point further, notwithſtanding that the Commons were ſought unto in *Henry* the firſt's time, yet they were not conſtantly and formally ſent unto till *Henry* the *third*, in whoſe reign the *Writs* of Summons for elections were firſt iſſued; but the ſucceeding Kings aſſum'd a power to regulate thoſe *Writs* at pleaſure by the ſole advice of their *Privy Council*, as we read in the time of *Henry* the ſixth, who was the firſt framer of that famous Ordinance, *Whereas Elections of Knights have been made with great outrages, and exceſſive number of people, of which moſt part was people of no value, yet pretend a voice equivolent to worthy Knights and Eſquires, whereby many riots, manſlaughter, and diviſion among Gentlemen ſhal likely be, Our Lord the King hath ordain'd that Knight of Shires be choſen by people dwelling in the Counties, every one of them having lands or tenements to the value of* 40 s. per annum, *at leaſt, and that he who is choſen be dwelling and reſiant within the Counties where they are elected.*

Polyander

Polyander.

But did not the Kings of *England* reserve a power to except against any that came to Parliament?

Philanglus.

Mr. *Camden* speaking of the dignities of Barons, saith, that it was ordained and decreed in the reign of *Henry* the third, that all those Earls and Barons unto whom the King himself vouchsafed to direct his Writs of Summons should come to his Parliament, *and no others*: And this rule *Edward* the *first* constantly observed, and continued; for as *Camden* hath it, that prudent King summoned alwaies those of *ancient families*, and who were most *wise* to his Parliament, and omitted their *sons* after their death, if they were not answerable to their fathers in *understanding*; in another place he saith, select men for wisedom and worth among the Gentry were called to Parliament, and *their posterity omitted*, if they were defective herein.

Polyander.

If the King hath a power to except against a Nobleman from sitting in Parliament, sure, by an argument *à majori ad*

ad minus, he may do it againſt a Commoner.

Philanglus.

It ſhould be ſo in reaſon, and Queen *Elizabeth*, who was ſo great a darling of her people, did practiſe her power that way often. But the modeſty of the Houſe of *Commons* was very great in former times, for they did arrogate no more power then what the Kings *Writ* gave them, they evaded *matters of State* as much as they could. 13. of *Edward* the third, a Parliament was called to conſult of the *domeſtick quiet*, the *defence of the marches of* Scotland, *and ſecurity of the Seas from enemies*; the *Commons* were deſired their adviſe herein, but they humbly deſired not to be put to conſult of things, *Queux ils n'ont pas cogniſance. Things whereof they had no cogniſance.* In 21. of the ſame King, the *Commons* being mov'd for their advice touching a proſecution of a war with *France*, by an elegant ſpeech of Juſtice *Thorp*, after four days conſultation, they anſwered, *That their humble deſire to the King was, that he would be adviſed therein by the Lords being of more experience then themſelves in ſuch affairs.*

In the 6. year of *Richard* the ſecond, the Parliament was call'd to conſult, whe-

ther the King should go in person to resc
the great City of *Gaunt*, or send an Arm
the *Commons* being ask'd their advice, the
humbly answered by Sir *Thomas Puckeri*
their Speaker that the Councils of W
did more aptly belong to the *King and*
Lords. The next year after the *Comm*
are willed to advise of the Articles
peace with *France*, but they modestly e
cuse themselves as *too weak to counsell in*
weighty matters: And being charged aga
as they did tender the repute of the
County, and right of their King, the
humbly delivered their opinions rathe
for Peace then Warre: such was the mode
ration and modesty of the house of Com
mons in former times that they decline
the agitation and cognizance of hig
State affairs, specially *forraign*, humb
transferring them to their *Soveraign*, a
his *Upper Council*; a Parliament ma
then, (I mean a member of the Com
mons House) thought to be the adequa
object of his duty, to study the welfar
to complain of the grievances, and hav
the defects supplyed of that place fo
which he *served*: The Bourgesse of *L*
studied to find out something that mough
have advanced the trade of *Fishing*: He
Norwich what mought have advantage
th

the making of *Stuffs*: He of *Rye*, what might preserve their Harbour from being choaked up with shelfs of sands: He of *Taverston*, what might have further'd the manufacture of *Kersies*: He of *Suffolk*, what conduced to the benefit of *cloathing*: the Burgesses of *Cornwal* what belong'd to their *Stanneries*, and in doing this they thought to have complyed with the obligation, and discharg'd the conscience of honest men, without soaring to things above their reach, and roving at random to treat of Universals, to pry into *Arcana Imperii*, and bring Religion to the Bar, the one belonging to the chief Governour, and his intern Councel of State, the other to *Divines* who according to the etymology of the Word use to be conversant, and imploy their Talent in the exercise and speculations of holy and heavenly things.

Polyander.

I am clearly of your opinion touching the two last particulars; for Secrecy being the Soul of Policy, matters of State should be communicated to the cognizance and deliberations of few, *viz.* the Governor in Chief, and his *Privy Councel*: And touching Religion, I do not see (humbly

under favour) how it may quadrat with the calling of Laymen to determine matters of Divinity, and discusse points of Faith. But though the establishment of the House of Commons be a wholesome thing in it self, I heard it censur'd beyond the Sea, that there is a great incongruity in one particular, which is, that the *Burgesses* are more in number then the *Knights of Shires*, for the *Knights* of Shires are commonly Gentlemen well born, and bred, and divers of them versed in forraign governments as well as the Laws of the Land: But the *Burgesses* of Towns are for the most part all *Trades-men*, and being bred in Corporations they are more inclining to popular government and *democracy*: Now, these exceeding the *Knights* in number, carry all before them by plurality of voices, and so puzzle the proceedings of matters: But now that I have mentioned *Corporations*, I must tell you that the greatest solœcism in the policy of this State is the number of them, specially this monstrous City, which is composed of nothing else but Corporations which smell ranck of little *Republiques* or *Hanses*; and it was a great errour in the last two Kings to suffer this *Town* to spread her wings so wide, for she bears no pro-

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portion with the bigneſſe of the *Iſland*, but may fit a Kingdom thrice as ſpacious; ſhe ingroſſeth and dreins all the wealth of the Land, ſo that I cannot compare *England* more properly then to a *Cremona* Gooſe in *Italy*, where they have a way to fatten onely the heart of the Gooſe, but in doing ſo they make the reſt of the whole body grow leanand lank: And as it was an errour ſo to ſuffer her to *Monopolize* the trade and riches of the land, ſo it was in letting her gather ſo much ſtrength in exerciſe of arms, by ſuffering her to have ſuch an *Artillery garden*, and *Military yard*; which makes me think on a ſpeech of Count *Gondamar* the *Spaniſh* Embaſſadour, who being invited by the King to ſee a Muſter of the Citizens in St. *Jame's Fields*; after they were gone, he was ask'd by the King how hee lik'd his Citizens of *London's*? Truly Sir, ſaid he, I have ſeen a company of goodly able men, with great ſtore of good arms; *but, Sir, I fear that theſe men will do you a miſchief one day*, for the conceit wherewith they may be puffed up for the knowledge they have in handling their Arms, may heighten their ſpirits too much and make them inſolent: My Maſter the King of *Spain*, though there breaths in his Court well neer as many Souls as

there are in *London*, and though he be in perpetual War with some or other; yet in his Court he is so peaceable that one shall see no sign of War at all, hee suffers not any armed men to strut under his nose, there is neither *Artillery Garden*, or *Military yard* there at all, but onely a few Partisians that guard his body; therefore, as I said before, these men may do your Majesty an *ill turn* one day, and whether *Gondamar* was a Prophet herein or no, judge you. But I pray, Sir, be pleased to dispense with me for these interruptions I give to your former discourse touching Parliaments.

Philanglus.

Having formerly spoken something of the Original duty and power of the Great Councel of the Kingdom with the Primitive institution of the House of *Commons*, I will proceed now to that grand question, *Where the Supream Legislative Power resides?* Certainly, if we examine the *Writs* of Summons for both Houses, with the Bodies and Titles of our ancient Acts of Parliament, we shall find the Supremacy and power of making Laws to rest in the *King* or *Governour in chief*: Now when the Parliament is stiled the *Supream Court*,

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it must be understood properly of the *King* sitting in the house of Peers in person, and but improperly of the *Lords* without him; It is granted that the *consultative, directive*, or *deliberative power* is in the House of Peers, the performing and *consenting* power, in the house of Commons, but the *Legislative* powers lodgeth in the person of the King; for Parliaments are but his productions, they derive their being from the breath of his *Writs*: He as Sir *Edward Cook* doth positively affirm, is *Caput, Principium, & finis*, He is the head, he is the beginning and ending, the *Alpha* and *Omega* of Parliaments.

Polyander.

But some affirm that the *legislative* power is in the two Houses; and that they are above the King.

Philanglus.

The difference 'twixt the King or Supream Magistrate, and the Parliament, is this, that the one represents God, the other the people: 'Tis true, as I said before, the *consultative* power is in Parliament, and 'tis but by the Kings permission, the *commanding* power resides stil in the *chief Governor*, and is inseparable from him, the results

and productions of Parliament, at best are but *Bills*, 'tis the Kings breath makes them *Laws*, till then they are but dead things, they are like matches unfired, 'tis the King that gives life and light unto them: The Lords *advise*, the Commons *consent*, but the King *ordains*; they mould the *Bills*, but the King makes them *Laws*, therefore they are ever after called the *Kings Laws*, the *Kings Judgments*: The Lords, *&c.* have the *Indicatif* part, but the King the *Imperatif*: the *liberties* also of the people flow all from him, for *Magna Charta* begins thus, *Henry* by the grace of God, Know ye that We of our *meer and free will*, have given these *liberties*: in the self same stile runs *Charta de foresta*.

The Statute of *Marlborough*, 52. *Henry* the third, runs thus, The King *hath made* these Acts, Ordinances, and Statutes which he willeth to be observed of all his subjects high and low.

3. *Edwardi primi*, the title of the Statute is; These are the *Acts of King Edward*, and after it it follows, The King hath *ordained* these Acts; the first chapter begins, *The King forbiddeth* and commandeth that none do hurt, damage, or grievance to any religious man, or person of the Church; and in the 13. chapter, *The King prohibiteth* that

that none do raviſh, or take away By force any Maid within age.

6. *Edward* the firſt, it is ſaid, our Soveraign Lord the *King hath Eſtabliſhed the Acts*, commanding they be obſerved within this Realm: and in the 14. chap. the words are, The King of his *ſpecial grace* granteth that the Citizens of *London* ſhall recover in an Aſſize damage with the land.

The Statute of *Weſtmin* 2. ſaith *Our Lord the King hath ordained* that the Will of the Giver be obſerved, and in the 3. chapter, *Our Lord the King hath ordained*, that a woman after the death of her husband ſhal recover by writ of Entry.

The Statute of *Quo Warranto* ſaith Our Lord the King at his Parliament of his *ſpecial grace*, and for affection which he beareth to his Prelates, Earls and Barons, and others, hath granted that they who have liberties by preſcription ſhall enjoy them.

In the Statute *De finibus l. vatis*, the Kings words are, We intending to provide remedy in our Parliament *have ordained*, &c.

28. *Edward* the firſt, *The King wills* that the Chancellour, and the Juſtices of the Bench ſhall follow him, ſo that he may at all time have ſome neer unto him that be

be learned in the Laws: And in the 24. chapter the words are, our Lord the *King* after full conference and debate had with his Earles, Barons, and Nobles by that consent *hath ordained*.

The Statute de Tallagio speaks in the *Kings* person no Officer of ours, no tallage shall be taken by us, *We will and grant*.

1. *Edward* the second begins thus, Our Lord the King *willeth and commandeth*.

The Statute of the 9. of the same King, saith, *Our Lord the King* by the assent of the Prelates, Earls, and other great States *hath ordained*.

The Statute of *Carlile* saith. We have sent our *command* in writing firmly to be observed.

1. *Edwardo* 3. begins thus, King *Edward* the third, At the request of the *Comminalty*, by their *Petition* before him, and his *Council* in Parliament hath granted, *&c.* And in the 5. chapter, *The King willeth* that no man be charged to arm himself otherwise then he was wont.

5. *Edward* the third, Our Lord the *King* at the request of his people, hath *established* these things which he wills to be kept.

9. Of the same King there is this title, Our Lord the *King* by the assent, and advice

vice of his Councel being there, *hath ordain'd*, &c. In the 10 yeer of the ſame King it is ſaid, Becauſe our Lord the King hath receiv'd by the complaints of the Earls, Barons, alſo at the ſhewing of the Knights of the Shires, and the *Commons* by their *Petition*, in his Parliament, &c. hath *ordain'd* by the *aſſent*, and at the requeſt of the ſaid Knights and Commons, &c. But very remarkable is that of 22 of *Edward* the third, where it is ſaid, *The King* makes *the laws by the aſſent of Peers and Commons, and not the Peers and Commons.*

The Statute of 1 *Ric.* 2. hath this beginning, *Richard* the *ſecond* by the aſſent of the *Prelates, Dukes, Earls, and Barons*, and at the inſtance and ſpecial requeſt of the *Commons hath Ordained.*

As for the Parliaments in *Henry* the fourth, *Henry* the fifth, *Henry* the ſixth *Edward* the fourth, and *Richard* the thirds Reign, moſt of them do all agree in this one title, Our Lord the *King* by the *advice* and aſſent of his Lords, and at the ſpecial inſtance and *requeſt* of the Commons, *Hath Ordained.*

The Statutes in *Henry* the ſeventh days, do for the moſt part agree both in the Titles and Bodies of the Acts in theſe words, *The King* by the aſſent of the Lords ſpiri-

tual

tual and Temporal, and the Commons in Parliament assembled, *hath Ordained.*

But very remarkable it is, That the House of *Commons* was never *Petitioned* unto till *Henry* the sevenths reign, and it was about the middle thereof; which *Petition* is inserted among the Statutes, but though the Petition be directed to the House of Commons in point of Title, yet the Prayer of the Petition is turn'd to the King, and not to the Commons. The Petition begins thus, *To the right Worshipful Commons in this present Parliament assembled*, shews to your discreet wisdoms the Wardens of the Fellowship of the Craft of Upholsters within *London*, &c But the conclusion is, *Therefore it may please the Kings Highnesse by the advice of the Lords Spiritual and Temporal, and his Commons in Parliament*, &c.

Thus it appears that in our fore-fathers days it was punctually expressed in all laws that the *Statutes* and Ordinances were *made* by the *King:* And withall, it is visible by what degrees the stiles and titles of Acts of Parliament have been varied, and to whose advantage. The higher we look the more absolute we find the power of *Kings in ordaining laws*, nor do we meet with at first so much as the assent or advice of

of the *Lords* mentioned. Nay, if one caſt his eye upon many Statutes of thoſe that be of moſt antiquity, they will appear to be no other things but the *Kings pleaſure*, to whom the puniſhments of moſt offences were left: The *punitive* part which is the chiefeſt vigour of the Law we find committed by the Statutes themſelves to the *Kings* meer *will and pleaſure*, as if there were no other law at all, witneſſe theſe precedents.

3. *Edward* the firſt, the ninth Chapter ſaith, That Sheriffs, Coroners and Bayliffs for concealing of Felonies ſhall make grievous fines *at the Kings pleaſure*.

Such as ſhall be found culpable of raviſhing of women ſhall *fine at the Kings pleaſure*.

The penalty for detaining a Priſoner that is mainpernable is a fine *at the Kings pleaſure*.

Offenders in Parks or Ponds, ſhall make fines *at the Kings pleaſure*.

Committers of Champarty, and Extortioners are to be puniſhed *at the Kings pleaſure*.

Purveyors not paying for what they take ſhall be grievouſly *puniſhed at the Kings pleaſure*.

The King ſhall puniſh grievouſly the Sheriff

Sheriff, and him who maintains quarrels.

Taker away of Nuns from Religious houſes to be fined *at the Kings Will.*

If a Goldſmith be attainted, for not aſſaying, touching and working veſſels of Gold, he ſhall be puniſhed *at the Kings pleaſure.*

There is a notable ſaying declar'd in the 8. yeer of *Henry* the fourth, *viz. poteſtas principis non eſt incluſa legibus*, the Power of the Prince is not curb'd by law.

In the 2. yeer of *Henry* the fifth, there was a Law made, wherein there is a clauſe, that it is the *Kings Regality* to *grant* or *deny* ſuch *Petitions* as he pleaſe.

6. *Henry* the ſixth, an Ordinance was made to indure as long as it ſhould *pleaſe the King.*

Now for further proof, that the *legiſlative power* is in the *King*, or *Supream Magiſtrate*, it is to be obſerved, that as Sir *Edward Cook* ſaith, All *Acts* of Parliament in former times, were in form of *Petitions*; how, if the Petitions were from Parliament, and the *anſwer* from the King, 'tis eaſie to judge who *makes* the Acts: Moreover Sir *John Glanvil* affirms, that in former times the way of Petitioning the King, was this: The Lords, and Speaker either by words or writing preferr'd their Petition

tion to the King, (which was afterwards called a *bill*) which Petition being receiv'd by the *King*, he received part, and part he *put out*, and part he *ratified*, and as it came from him it was drawn to a *law*.

Furthermore it appears that Ordinances, Provisions, and Proclamations made heretofore out of Parliament have been alwayes acknowledged for Laws, and Statutes.

The Statute call'd the *Statute of Ireland*, dated at *Westminster*, 9. *Feb.* 14. *Hen.* the third, was nothing else but a *Letter of the King* to *Gerard* son of *Maurice* Justicer of *Ireland*

'Tis hard to distinguish among the old *Statutes* what Laws were made by *Kings* in Parliament, what out of Parliament, when Kings called the Peers only to Parliament, (and of those as *many* and *whom* they pleased) it was no easie matter to put a difference 'twixt a *Proclamation* and a *Statute*; or 'twixt the Kings *Privy Counsel*, and his *Common Counsel* of the Kingdom.

In the Statute of *Westminster* 'tis said, These are the *Acts* of King *Edward* the first, made at his first Parliament by his Council, &c.

The Statute of *Barnel* hath these words, the *King* for himselfe, and by his Councel, *hath ordained and established*. When

When *Magna Charta* was confirmed, there are found these two provisions in *articulos super chartas.*

First, nevertheless the *King and his Council* do not intend by reason of this *Statute to diminish the Regal right.*

The second, notwithstanding all these things before mentioned, or any part of them, both the King and his Council, and all they who are present, will, and intend that the *right and Prerogative of his Crown* shall be saved to him in all things.

The *Statute of Escheators* hath this title, At the Parliament of our Soveraign Lord the King, by his Council it was agreed, and also by the *King himself commanded.*

The *Statute made at York*, 9 *Edward* the third, goeth thus, The *King* by the advice of his Council *hath ordained.*

Now touching the *Kings Council*, I mean his *Privy Council*, it hath been alwayes of great authority, and extreamly useful in the publick government of the Common-wealth, and all Kings have acted most by it. King *Edward* the first, finding that *Bogo de Clare* was discharged of an accusation brought against him in Parliament, yet he commanded him nevertheless to appear before him, & his *Privy Council, ad faciendū & recipiendū quod*

per

per Regem, & ejus Concilium faciendum, and so proceeded to a re-examination of the whole buſineſs.

Edward the third in the *Star-chamber*, which was the ancient *Councel Table* of the Kings, upon the complaint of *Elizabeth Audley* commanded *James Audley* to appear before him and his Councel, where a controverſie was determin'd between them touching land contained in her joynture.

Henry the fifth, in a ſute before *him* and his *Councel* for the titles of the Mannors of *Steere*, and Saint *Laurence* in the Ile of *Thanet* in *Kent*, ſent order for the profits to be ſequeſtred till the right were tryed.

Henry, the ſixt, commanded the Juſtices of the Bench to *ſtay* the arraignment of one *Varney* in *London*, till they had commandement from *Him*, and his *Councel*.

Edward the fourth, and his *Privy Councel heard, and determined* the cauſe, of the Maſter, and poor brethren of St. *Leonards* in *York*, complaining that Sir *Hugh Haſtings* and others, withdrew from them a great part of their living, which conſiſted chiefly upon the having of a thrave of corn upon every plowland within the Counties of *York*, *Cumberland*, &c.

Henry the ſeventh, *and his Privy Councel commanded that* Margery *and* Florence Beſly

would sue no further in the cause against *Alice Radley*, widow for lands in *Woolwich* and *Plumstead* in *Kent*.

In *Henry* the thirds time, an order or provision was made by the *Kings Council*, and it was pleaded at the common Law in bar to a Writ of dower.

We find also that it hath been very usual for the Judges before they would resolve or give judgements in some cases to consult with the Kings *Privy Council*.

In the case of *Adam Brabson* who was assaulted in the presence of the Justices of Assise at *Westminster*, the Judges would not proceed without the advice of the Kings *Privy Council*.

Green and *Thorp* were sent by the Judges to the Kings *Privy Council* to demand of them whether by the Statute of *Edward* the third, a word may be amended in a Writ.

In the 39. of *Edward* the third, in the case of Sir *Thomas Ogthred*, who brought a *formedon* against a poor man and his wife, the Judges said, *Sue to the Kings Council*, and as they will have us to do, we will do, and no otherwise.

Thus we find that the Court-Council did guide and check the Judges oftentimes, yet the Judges have guided the great Common Council, or high court of Parliament.

Poly-

Polyander.

I find that you have ſtudied the point of *King and Parliament*, to very good purpoſe, by theſe choice inſtances you have produced; but I find that though the *Parliament* hath been held the *Great Councel* of the Kingdom, yet the ordinary way of government was by the *King* or *Soveraign Magiſtrate, and his Councel of State*: for the *great Councel* (without diſparagement) may be called the production of the *Privy Councel*, witneſſe the words of the *Writ* of Summons. But ſince you have proceeded ſo far, I deſire to know, whether by an implicit faith we are to obey what the Parliament determines; or whether it may err or no, and what are thoſe priviledges it hath.

Philæglus.

I ſhall do my indeavour to ſatisfie you in all; touching the *firſt*, no doubt but we are to acquieſce in what a true Parliament ordains, for it is generally binding, and requires an univerſal obedience, becauſe it bears the ſtamp of *Royal* Authority, and of the *Supream Magiſtrate*; who is the *head* of the Parliament, who is to conſult with his Judges, and *Privy Council* muſt

be satisfied in conscience of the justnesse, of such bils that he is to passe for Laws, because afterward he is to *protect* them, and his soul lyes by oth at the stake for the defence and Safeguard of them; he is also to consult with his learned and Privy Councel whether they trench upon his Royal Prerogative, and then his answer is, you know it, *le Roy s'aviſera*, the King will consider of it, which, though in civil terms, is equivolent to a flat *denyal*.

Touching the second point, Sir *Edward Coke* tels us that *Parlements have been utterly deceived, and that in cases of greatest moment*, specially in the interpretation of Laws, and in that point the twelve Judges, who are called the Sages and Oracles of the Law, are to be beleeved before the Parliament, whose office is more to make new Laws, then to expound the old; Parliaments being composed of men may erre; Mr. *Pryn*, as I alledged before, tels us how many usurpers they have preferred before the rightful Heirs; How often did *Henry* the eight make Parliaments the panders of his lust; in whose time there are three acts observable.

1. That Proclamations should be equivalent to laws.

2. That Queen *Elizabeth* was illegitimat.

3. That

3. That the King in his will might name whom he pleas'd to be his succeſſor: Beſides in leſſe then four yeers, *Religion* was *changed twelve times* in his raign by Parliament.

Polyander.

Touching the laſt *Act of naming a ſucceſſor*, I have ſeen a manuſcript which makes mention that *Henry* the eight ſom 2. yeers before his death ſummoned a Parliament, wherein he intimated unto them, that one of the main deſigns of convoking that Parliament, was, that they *ſhould declare a ſucceſſor to the Crown*; But the Parliament with much modeſty anſwered, that touching that point, it belonged to his Majeſty to conſider of it, and conſult with his *learned and Privy Councel* about it; And whomſoever his Majeſty would pleaſe to nominat in his laſt Will, they would confirm and ratifie; Whereupon old *Harry* made a formal Will, which was enrolled in the Chancery, wherein (remembring the perfidious carriage of *James* the fourth, his brother in law) he declared the iſſue of his eldeſt ſiſter, the Queen of *Scotts*, being forreners, incapable to inherit, and the iſſue of *Charles Brandon*, after the progeny of his own body, to ſucceed next: This *Will* continued in the Chancery all *Edward* the ſixts time,

till Queen *Mary*, who about the midst of her reign did cancel it. But now Sir, be pleas'd to pardon this Parenthesis, and resume the thread of your former discourse, in displaying what are the *priviledges* of Parliament which were so much insisted upon, and cried up in the late *long* Parliament, till they swell'd so high, that they swallowed up and devour'd the Prerogative.

Philanglus.

If we will give credit to Sir *Ed. Coke*, who was a great Champion of the House of *Commons*, and no friend to *Prerogative* (which he was us'd to call that *Great Monster*) the priviledge of freedom from Arrests is the onely priviledge of Parliament. He cannot, or at least, he doth not so much as name any other in his Section of the *priviledges of Parliament*; neither is *this priviledge* so unquestionable and cleer as some do imagine, as divers examples may be produced in the reign of Queen *Elizabeth*, who was so great a *darling of the Commons*: In the 39. of her reign, Sir *Ed. Hobby*, and Mr. *Brograve* Attorney of the *Dutchy* were sent by the House to the Lord Keeper, to require his Lordship to revoke two writs of *Subpœna's* which were serv'd upon Mr. *Tho. Knevet* a Member of the House; the Lord Keeper demanded of them

them whether they were appointed by any advised consultation of the House to deliver this message unto him with the word *require*; they answered, yes; he replyed as he thought reverently and honourably of the House, and of their liberties and privileges, so to revoke the said *Subpœnas in that sort* was to restrain her Majesty in her greatest power which is in the publick administration of Justice in the place wherein he serves her, Therefore he concluded, that as they had required him to revoke his Writ, so he did require farther deliberation.

18 *Eliz.* report was made by the Attorney of the *Dutchy* upon the Committee for the delivering of one Mr. *Halls* man, that the Committee found no precedent for setting at large by the Mace any person in arrest but onely by Writ, and that by divers precedents of records perus'd by the said Committee it appeared that every Knight, Citizen or Burgesse, which doth desire privilege, hath used in that case to take a corporal oath before the Lord Chancellor or Keeper for the time being, that the party for whom such writ is prayed *came up with him, and was his servant at the time of the arrest made*; Thereupon Mr. *Hall.* was directed by the house to repair to the Lord Keeper, and make oath, and then to take a warrant

for a writ of privilege for his servant.

270 *Eliz. Richard Coke*, a Parliament member, being served with a *subpœna* of Chancery: The Lord Keeper boldly answered, that he thought the House had no such privilege against *subpœnas*, as they pretended: Neither could he allow of any precedents of the House used in that behalf, unless the House of Commons could also prove the same to have been likewise allowed, and ratified by precedents in the high Court of Chancery.

Now, the Original writ for Election, which is the foundation of the whole business, makes mention of no such privilege, and 'tis a rule that to vary from the meaning of the Writ makes a nullity of the cause, and the proceedings thereupon: For where a Commissioner exerciseth more power then is warranted by his Commission, the act is not only invalid but punishable.

Now the end and scope of privileges of Parlement, is not to give power to do any publick act not warranted by the writ, but they are intended as helps only to enable the members towards the performance of their duties, and so are subservient to the power comprized in the Writ; For instance, the freedom from Arrests doth not

give

give any power at all to the Houſe of Commons to do any extraordinary act thereby, but the Members are made the more capable to attend the publick ſervice by being free from the trouble of arreſts; ſo that this privilege giveth no further power at all, but only helps to the execution of the power derived from the Royal writ; Nor can the Freeholders by their Elections give any ſuch privilege of exemption from arreſts, but it is the meer gift, and grace of the Soveraign Prince, yet in point of treſon, felony or breach of the Kings peace this privilege extends not; Now, privileges are things contrary to law, or at leaſt they ſerve as a diſpenſation againſt law, intended originally for the better expediting of the Kings buſineſſe, or ſom publik ſervice.

Nor could the Houſe of Commons puniſh any for breach of this their privilege till they had conferr'd with the Lords, and till the puniſhment had been referred by them to the Commons; there is a notable example hereof in the 33. of *Henry* the eight, *George Ferrers* the Kings ſervant and Burgeſſe of *Plymouth* going to Parliament, was arreſted by proces out of the Kings Bench for debt; which being ſignified to Sir *Thomas Moyl* then Speaker, the Sargeant

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that attended the House was sent to the Counter to demand *Ferres*, the Officers of the Counter refuse to deliver him, and giving the Sergeant ill language a scuffle happened; the Sheriff of *London* being sent for, took part with the Counter, and so the Sergeant returned without the prisoner; This being related to the House of Commons, they would sit no longer without their Member, and desiring a conference with the Lords, Sir *Thomas Audley* then Chancellour, and the rest judged the contempt to be very great, and *referred the punishment* thereof to the House of Commons it selfe.

Concerning liberty or freedome of speech which is held another privilege of Parliament; There is a speech of Sir *Thomas Moors* upon record, who being chosen Speaker, 14. *Henry* the eight, *He first disabled himself*, and then petitioned the King in the behalf of the House, that if in communication and reasoning any man should speak more largely then of duty he ought to do, all such offences should be pardoned, which was granted and entred upon record. In which petition it is observable, that liberty or freedom of speech is not a power for men to speak what they will or please in Parliament, It is a privi-

priviledge onely not to be punished, but pardoned for the offence of speaking more largely then in duty they ought to do; which in a right construction must be understood of rash, unadvised, ignorant, or negligent escapes, and slips in speech, not for willfull, malicious, much lesse for treasonable speeches: And then the Kings pardon was desired to be upon record that it might be pleaded at Bar to all actions.

There is a speech upon record in Queen *Elizabeths* time, wherein the Commons were warn'd not to meddle with the *Queens Person, the State, or Church-Government.*

Polyander.

I have heard of divers traverses that happned in the reign of that popular and long lived Queen, which trenched as much, if not more upon the priviledges of Parliament, and the liberties of the people, then any that happen'd in the reign of the two last Kings.

Philanglus.

It is very true, and I will give you some instances drawn from good authentick records: 23. *Elizabeth*, Mr. *Paul Wentworth* moved in the House for a publick fast,

faſt, and for a Sermon every morning at ſeven a clock before the Houſe ſate: The Houſe hereupon was divided, 100 were againſt it, and 150 for it, and ſo an order paſſed accordingly; The Queen being told hereof ſent a meſſage to the Houſe by her Vice-chamberlain; *That her Highneſſe had great admiration of the raſhneſſe of the Houſe in commiting ſuch an apparent contempt of her expreſſe command, as to put in execution ſuch an innovation without her privity or pleaſure firſt known.* Thereupon Mr. Vice-chamberlain moved the Houſe to make an humble *ſubmiſſion to her Majeſty, acknowledging the ſaid offence and contempt, and to crave remiſſion for the ſame, with a full purpoſe to forbear the committing of the like hereafter:* So by the ſuffrage of the whole Houſe, Mr. Vice-chamberlain carryed their ſubmiſſion to the Queen accordingly.

35 *Elizabeth*, Mr. *Peter Wentworth*, and Sir *Henry Bromley* delivered a Petition to the Lord Keeper deſiring the Lords of the Upper Houſe to be ſuppliants with them of the Lower Houſe unto her Majeſty for entayling the ſucceſſion of the Crown, whereof a Bill was ready drawn. The Queen was highly diſpleaſed herewith, and charged her Councel to call

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the parties before them, ſo Sir *Thomas Henage* was ſent to fetch them; ſo they were firſt commanded to forbear going to the Houſe, and not to go out of their ſeveral lodgings; afterward they were called before the Lord Treſurer, Lord *Buckhurſt*, and Sir *Thomas Henage*: *Wentworth* was committed to the Tower, and *Bromeley* to the Fleet, together with Mr. *Stevens*, as alſo Mr. *Welch* Knight for *Worceſterſhire*.

The Queen ſent a notable check to the Houſe of Commons 28. of her raign for choſing and returning Knights of the Shire for *Norfolk*, a thing impertinent for the Houſe to deal withall, and belonging only to the Office and charge of her Chancellor from whom the Writs iſſue and are return'd.

In one Parliament, when Mr. *Coke*, afterwards Sir *Edward Coke*, was Speaker, the Queen ſent a Meſſenger or Sargeant at Arms into the Houſe of Commons, and took out Mr. *Morris*, and committed him to Priſon, with divers others, for ſome ſpeeches ſpoken in the Houſe: Thereupon Mr. *Wroth* moved the Houſe that they would be humble ſutors to her Majeſty, that ſhe would be pleaſed to enlarge thoſe members of the Houſe that were

were restrain'd, which was done accordingly; and answer was sent by her Privy Councel, That her Majesty had committed them for causes best known to her self, and to presse her Highnesse with this suit would but hinder the whole good they sought: That the House must not call the Queen to an account for what shee doth of her Royal Authority: That the causes for which they are restrain'd may be high and dangerous: That her Majesty liketh no such questions, neither doth it become the House to search into matters of that nature.

The Commons were told 39. *Elizabeth*, that their priviledge was *yea* and *no*: And that her Majesties pleasure was, that if the Speaker perceived any idle heads, which would not stick to hazard their own estates, but meddle with reforming the Church, and trans forming the Commonweal by exhibiting Bills to that purpose, the Speaker should not receive them till they were viewed and considered by those who are fitter to consider of such things, and can better judge of them: Moreover, the Queen rejected 48. Bills which had passed both Houses, in that Parliament.

The House of Commons by their Speaker

Speaker 39. *Elizabeth*, complained of ſome *Monopolies*, whereupon the Lord Keeper made anſwer in her Majeſties name, That her *Highneſſe hoped her dutiful and loving Subjects would not take away her Prerogative, which is the chiefeſt flower in her Garland, the principall and head Pearl in her Crown and Diadem, but that they will rather leave that to her own diſpoſition.*

Sergeant *Heal* ſaid 43. *Elizabeth*, publiquely in Parliament, that *he marvelled the Houſe ſtood either at the granting of a ſubſidy or time of payment, conſidering that all we have is her Majeſties, and ſhe may lawfully at her pleaſure take it from us, in regard ſhe had as much right to all our lands and goods, as to any revenew of the Crown, and he ſaid he could prove it by precedents in the raign of Henry the third, King* John, *and King* Steven. This ſpeech agrees with that which Sir *Edward Coke* hath in his *Inſtitutes*, where he ſaith poſitively, *That the firſt Kings of this Realm had all the Lands* of *England* in Demeſne, and the great Mannors and Royalties they reſerved to themſelves, and enfeoffed the Barons of the remnant for the common defence of the Kingdom,

There was a remarkable paſſage happen'd

pen'd in the raign of *Henry* the fourth; The House of Commons Petitioned the King that they might have advice, and communication with certain Lords about matters of busineſſe in Parliamant for the commos good of the Kingdom, which prayer, as the record hath it, Our Lord the King graciouſly granted, but with this proteſtation, *That he did it not of duty, nor of cuſtom, but of his ſpecial grace.* So our Lord the King charg'd the Clerk of the Parliament, that this Proteſtation ſhould be entred upon record in the Parliament roll. This the King made known to them by the Lord *Say*, and his Secretary: who told them that *Our Lord the King neither of due, nor cuſtom ought to grant any Lords to enter into communication with them of matters touching the Parliament, but by his ſpecial grace at this time he granted their requeſt in this par icular*; And the ſaid Steward and Secretary brought the King word back from the Commons, *That they knew well they could not have any ſuch Lords to commune with them of any buſineſſe of Parliament without ſpecial grace, and command from the King himſelf.*

Polyandr

Polyander.

But is it not the priviledge of Parliament to examine misdemeanours of Juridical Courts, and Officers of State according to *Lex Repetundarum*?

Philanglus.

This cannot be called properly a priviledge, for there is not the meanest subject, but hath liberty on just cause to question any Court or Officer, if he suffer by them; yet it hath been esteemed a great favour from the Prince to permit such examinations; for we read that when the Lords were displeased with the greatness of *Piers Gaveston*, 'tis said, that in the next Parliament, The whole Assembly *obtained leave* of the King to draw Articles of their grievances, which they did, two whereof were; That all strangers should be banish'd the Kingdom (whereof *Gaveston* was one.) The second was, that businesses of State should be treated by the Clergy and Nobles.

Polyander.

Though the cognizance and debatings of great affairs of State, belong to the high Court of Parliament, yet I have read that oftentimes, the Lords have transmitted such businesses to the Kings *Privy Council*.

Philanglus.

Tis a great truth, and many instances might be produced for proof thereof; among others, when one *Mortimer*, who stiled himself Captain *Mendall* (otherwise called *Jack Cade*) came with the rabble of the vulgar, with a Petition to the lower House, the Commons sent it up to the Lords, and the Lords transmitted it to the Kings Privy Council to consider of.

Polyander.

But the granting of *Subsidies* is a peculiar priviledge of the House of Commons.

Philanglus.

I think not, for it is an unquestionable truth, that Subsidies were raised, and paid before ever the Commons were called to sit in Parliament: The great and long Subsidie of *Dane-gheit* was without any gift of the Commons, or of any Parliament at all as can be proved. *Henry* the third imposed a Subsidie of two Marks in Silver upon every Knight Fee onely by the advice of his Councel. The words of the King when hee passeth the Bill of Subsidie are observable, which are these: *Le roy remercie ses loyaux Subjects, accept lour benevolence, & aussy*

aussy ainsi le veult, The King thanks his loyal Subjects, accepts of their good will, and *also will have it*; which last words make the Act of Subsidy a Law to bind every man to to the payment of it; In so much that the Parliament cannot impose a peny upon the Subject without the King, nor can the Free-holders whom they serve, invest any such power in them.

Polyander.

I finde by the substance of your discourse, that not onely all power and grace, but all Parliamentary priviledges flow from the concession of the Soveraign Prince, and chief Magistrate.

Philanglus.

Yes, without controversie you know (as a Gentleman wittily observes) tis an axiom in Philosophy, *quod dat formam*. That which gives the form, gives the consequence of the form; The King by his Writ gives the very essence, and form to the Parliament, being the production of his breath, therefore priviledges which are but consequences of the form must necessarily proceed from him.

In the 21. of King *James*, a Declaration was sent from *New-Market* to the Parliament, wherein he asserts; *That most priviledges of Parliament grew from precedents, which shew rather a Toleration that an Inheritance, therefore he could not allow of the stile they used to him, calling it their ancient and undoubted Rights and Inheritance, but could rather have wished they had said, their priviledges were derived from the grace and permission of his Ancestors and Himself.* Thereupon he concludes *that He cannot with patience endure his Subjects to use such Antimonarchical words concerning their Liberties, except they had subjoyned, they were granted unto them by the grace, and favour of his Progenitors; yet he promiseth to be careful of whatsoever priviledges they enjoy by long custome, and incontrolled lawful precedents.*

At the presentment of the Speaker of the House of Commons to the King upon the first day of Parliament, the Speaker in the name and behoof of the Commons humbly craves, that his Majesty would be pleased graciously to *grant* them their accustomed liberties and priviledges, which petition of theirs is a fair recognition of the primitive grace and favour of the Soveraign Prince in bestowing of *Privilege*, and is a shrewd argument against any other title. For our

Antecessors

Anteceſſors would not have been ſoceremonious, nor ſo full of complement, 'as to beg that of grace, which they might have claimed *de jure* by right: And the renewing of this Petition at the beginning of every Parliament, argues the grant to be but temporary.

Polyander.

This was not the doctrine it ſeems of the late long Parliament whoſe *priviledges* flew ſo high that they oretopped the *prerogative*; for they drew the reins of all *rule* and *reaſon* into their hands, and left the *Governour* in chiefe neither of them; And if he chanced to ſend them any advice or admonition, 'twas preſently cryed up to be *breach of priviledge*, breach of priviledge.

But Sir, by the ſequel of our former diſcourſe, I find that the *High Court or Common Councell* of this Kingdom was compoſed at firſt of *Prelates*, and *Peers*; that *Parl.* is but a modern word, and came in after the Norman Conqueſt: I find alſo that the *Commons* came to be made a Houſe, and that *Magna Charta*, and *Charta de foreſta*, were not free *Spontaneous* grants, but that they were in a manner extorted from Kings in times of neceſſity and confuſion; I find alſo that the Primitive and ordinary way of Govern-

ment was the one supream Magistrate alone and his Council of State, and when he pleased, by the Common Council; But now Sir, I pray be pleased to acquit your selfe of the promise you did me the favour to make, of acquainting me with the proceedings of the late long Parliament.

Philanglus.

To do that, I will deduce matters from the beginning, and to finde them out must look North ward, for there the cloud of all our ensuing confusions began to condense first.

You know Sir, the *Scots* Nation were ever used to have their King personally resident among them, and though King *James* by reason of his Age, Bounty, and long breeding there, with other advantages, drew such extraordinary respects from them that they continued in a good conformity all his reign, yet after his death they were often over-heard to mutter at the remotenes and absence of their King. and that they should now become a kind of *Province* truckling under *England*, by reason of such a distance from the Royal Court: Moreover some of their Nobles and Gentry found not at the English Court, nor at the late

Kings

King's Coronation in *Edenburgh*, that countenance, familiarity, benefit and honours which they expected: And 'tis too well known who He was that having got some Wealth in the Swediſh Wars, and being denied to be Lorded, took a pet, and went hence diſcontented to his own Country. Theſe diſcontented parties tamper'd with the Mercenary preach-men up and down *Scotland* to obtrude and hold out to the people what Doctrines were put into their mouths by their Patrons ſo that the Pulpits every where rung of nothing but of invectives againſt certain obliquities and ſolæciſms, and I cannot tell what in government, and many glances they had upon the *Engliſh* Church. Yet all this while there was not matter enough for an inſurrection, nor to diſpoſe the peoples hearts to a mutiny, untill by the Policy of the ſaid diſcontented party, the Engliſh Liturgy was ſent thither. This, by the incitement of thoſe fiery Pulpiteers, was cried up to be the greateſt Idol that poſſibly could be brought into their *Kirk*; inſomuch that when it was firſt offer'd to be read, the women and baſer ſort of mechanicks threw ſtools at the Biſhops head in the *Kirk*, and were ready to tear them in pieces: And here began the firſt ſtorm.

The King having notice hereof sent a Proclamation, signifying, that whereas he had recommended that Book of Common Prayer to be practised among them, whereby he himself served God Almighty twice a day, he did it onely out of a design to establish an uniformity of publick Divine Service in all his Dominions, specially in that his native Country. But since it had produced such dangerous effects, he was contented to revoke it absolutely; it never being his purpose to *press* the practise of the said book upon the conscience of any, for he did onely *commend*, not peremptorily *command* the use of it. Therefore, he exhorted and required that every one unto whom it had given any scandal, should return to his former obedience, and serve God as he was wont, offering therwith a general pardon, and to passe an Act of Amnestia for the abolition of all offences passed.

Polyander.

And would not this suffice? In natural motions we find that the cause being taken away, the effect ceaseth, and will not this rule hold in civil Actions.

Philanglus

Philanglus.

It seems this would not serve the turn, but there was a further reach in it, and to take the advantage of fishing in these troubled waters: You know the *Scots* since their single Lyon came to quarter with our *three*, were much heightned in their spirits, more respected, employed and trusted abroad, more elevated in their resolutions and aims, they grew rich, for you have heard of a Silver Mine that reached from *Westminster* to *Edenbrough*: And I beleeve you have not forgot *Boccolinies* ballance, wherein *Lorenzo de Medici* was appointed by the Oracle at *Delphos* to weigh all the States of Christendom, and throwing *England* into the Scales to counterpoise *France*, you know how much he made her to weigh lesse by the addition of *Scotland*.

Polyander.

I beleeve we had been better without this addition, for the union 'twixt *Scotland* and *England* may be said to be a mixture of Vinegar with Oyl.

Philanglus.

Philanglus.

To resume my discourse, the former Proclamation, though it breathed nothing but grace, would not suffice the Scots, but having an *inch* given them, they would take an *Ell*, and nothing would serve their turn but an utter extirpation of Episcopacy, for by trampling the Miter under their feet, they hoped to have some of the Birds Plumes being plucked to feather their own Nests, and they brought their work about: Good Lord, what a deal of dirt was thrown into the Bishops faces by every rural petty Clerk? what infamous Ballads were sung up and down? what a thick Cloud of Epidemical hatred hung suddenly over them, so far that a *Dog* with a white neck was called Bishop amongst them.

The chiefest contrivers of this uproar, finding their designs to fadge so well, and perceiving the Country to be so eagerly bent against Bishops (and what Artifices and suggestions were used to render them so odious, is incredible.) But finding withall the King unwilling to alter the Government his Father had left him, and to which he had been sworn at his Coronation: They put themselves in Arms, and raised Forces to beat down the *Miter* with the *Sword*, if the Scepter would not do it. To the English

liſh frontires they marched with a numerous Army, pretending they came as Petioners, but they brought their Petition upon the pikes point. Hereupon the King raiſed a Counter Army, and marched as far as *Barwick*, but ſome of the great ones about him grew cold in the Action; ſo a pacification was ſhuffled up, and I think it was the moſt diſhonourable that ever *England* made.

Polyander.

I could have wiſhed two things, that either the King had then given them battel, having the flower of his Nobility and Gentry about him, who underſtood came with all promptitude and cheerfulneſs to the ſervice, or elſe that after the pacification he had with a royal freedom, and a commanding confidence gone amongſt them in perſon to hanſel their new Parliament houſe at *Edenburgh*, for in all probabilitie this courſe might have averted thoſe ſhowrs and Cataracts of miſeries which fell upon him afterwards, but I pray Sir proceed.

Philanglus.

Hereupon a Parliament was ſummoned in *England*, a Parliament do I call it? it was rather an *Embrio* of a Parliament, a kind of

Ephemeran

Ephemeran thing. In this short sitting the King declared to both Houses the indignities he had received from his *Scots* Subjects, and therefore he proposed a supply to be made of twelve Subsidies to suppress that rebellion, and in lieu thereof, he was willing to forbear, and utterly to abolish the Ship-money, which he had reason to think legal, being advised thereunto by *Noy* his Attorney General, who was cryed up to be so great a Clerk in the Law, yet he would not rest there, but he advised further with his learned Council of the Sergeants at Law and others who concurred in opinion with *Noy*; Nor would he rest there, but he had the approbation of all the Judges singly, and afterwards of the major part of all the twelve upon a leasurely debate; this he thought sufficient to induce his conscience to hold the things legal: It was proved that the moneys levied that way were employed to the right use and no other, *viz.* to the garding of the narrow Seas, and to preserve the right of his dominion in them (being the fairest flower of his Crown) which was not onely discoursed of abroad, but the French Cardinal was over heard to question his right that way. And touching the danger that hung over *England* he alledged how could *England* but be in apparent danger. con-

sidering

fidering how all her Neighbours about her were in actual hostility, which made huge Fleets of men of War, both *French*, *Dunkerkers*, *Hamburgers*, and *Hollanders*, to appear ever and anon in her channel and hard before her Royal Chambers. He declared further, that not one peny of that publique contribution came to his private Coffers, or was given to any favorite, but he added much of his own treasure for the maintenance of a Royal Fleet abroad every Summer; yet he was ready to passe any Bill for the aboliſhing of the ſaid Ship-money, and redreſſing of any grievance beſides, provided his Parliament would enable him to ſuppreſs and chaſtiſe the *Scot*. Some ſay the Houſe was inclinable to comply with the King, but as the ill ſpirit would have it, that Parliament was ſuddenly broke up, and it had been better for him that they who gave him that counſel had been then in *Arabia*, or beyond the Line, in their way to *Madagaſcar*, yet thoſe men were of high requeſt in the Long Parliament afterwards being.

The King reduced to ſuch ſtreights, and reſenting ſtill the inſolence of the *Scot*, propoſed the buſineſs to his Privy Council, who ſuddenly made a conſiderable ſum for his ſupply, whereunto divers of his domeſtick ſervants did contribute; Among others who

who were active herein, the Earl of *Strafford* bestirred himselfe notably, who having got a Parliament to be called in *Ireland*, went over, and with incredible celerity raised 8000. men, and procured money of the Parliament there to maintain them. An Army was also levied here which marched to the *North*, and there fed upon the Kings pay a whole Summer.

The *Scot* was not idle all this while, but having punctual intelligence of every thing that passed at Court as far as what was debated in the Cabinet Council, or spoken of in the Bed-chamber (where of the six grooms, five were *Scots*) which was a great advantage unto him. He armed also, and preferring to make *England* the Stage of the War rather then his own Country, and to invade rather then to be invaded, he got ore the *Tweed*, where he found the passage open, and, as it were, made for him all the way, till he come to the River of *Tine*: And though there was a considerable English army of horse and foot at *Newcastle*, yet they never offered to face the *Scot* all the while. At *Newburg* there was indeed a small skirmish, but the English foot would not fight; so *Newcastle* Gates flew open to the Scot without any resistance at all, where 'tis thought he had more friends then foes, for all

all Presbyterians were his confederates.

The King being advanc'd as far as *York*, summon'd all his Nobles to appear, and advise with in this Exigence, Commissioners were appointed on both sides who met at *Rippon*, and how the hearts and courage of some English Barons did boil within their breasts to be brought to so disadvantagious Treaty with the *Scot*, you may well imagine: So the Treaty began, which the *Scot*, would not conform himself unto, unlesse he were first made *Rectus in Curia*, and the Proclamation wherein he was call'd Traitor revoked, alledging how dishonourable it would be for his Majesty to treat with Rebels. This Treaty was then adjourn'd to *London* where the late long Parliament was summon'd.

Polyander.

Truly Sir, I must tell you, that to my knowledge those unhappy traverses with the *Scots* made the *English* suffer much abroad in point of *National* repute; But in this last expedition of the *Scot*, *England* may be said to have been bought and sold, considering what a party he had here in Court and country, specially in the City of *London*. Therefore his coming in then may be call'd rather an *Invitation* then an *Invasion*.

Philanglus.

Philanglus.

The *Scot* having thus got quietly into a Town he never *took*, and nested himself in *Newcastle*, Our late long long Parliament began at *Westminster*: Being conven'd, the King told them that he was resolved to cast *himself and his affairs wholly upon the affection and d lity of his people, whereof they were the Representatives; Therefore he wished them to go roundly on to close up the Ruptures that were made by that infortunate War, and that the two Armies one* English, *the other* forraign, *which were gnawing the very bowels of the Kingdom might be both dismissed: Touching grievances of al natures he was ready to redress them, concerning the* Shipmony *he was willing to passe a law for the utter abolition of it, and to cancel all the enrollments, therefore he wish'd them not to spend much time about that: For Monopolies he desired to have a List of them, and he would damn them all in one Proclamation: Touching ill Counsellours either in* White-Hall *or* Westminster-Hall, *either in Church or State, hee was resolved to protect none: Therefore he desired that all jealousies and misunderstandings might vanish, and so concluded with this caution, That they would be carefull how they shook and d sjointed the frame of an old setled Government too much*

much, in regard 'twas like a Watch, which being put asunder, can never be made up again if the least pin be left out.

Thus at the beginning of the Parliament there were great hopes of *Fair weather* after that cold Northern *storm* and that we should be rid of the *Scot*, but that was least intended till some designs were brought about: The Earl of *Strafford*, the Arch-Bishop of *Canterbury*, the Judges, and divers other are clapp'd up, and the Lord Keeper *Finch* took a timely *flight* t'other side of the Sea; And in lieu of these, the Bishop of *Lincoln* is inlarged, *Bastwick*, *Burton*, and *Pryn*, who were strong Presbyterians, were brought into *London* with a kind of *Hosanna*.

Polyander.

It is possible that the lenity of the King should be such as to yeeld to all this?

Philanglus.

Yes, and to comply further with them, he took as it were into his bosom, I mean he admitted to his Privy Council, such Parliament Lords who were held the greatest Zealots among them: The Lord *Say* was made Master of the Court of Wards, the Earl of *Essex* Lord Chamberlain. More-

over to give a further evidence how firmly he was rooted in his Religion, and how much he desired the strengthning of it abroad, the Treaty of marriage went on 'twixt his eldest daughter and the Prince of *Orange*; Hereunto may be added as a special Argument of compliance, the passing of the Bill for a *Triennial* Parliament, and lastly he was brought to passe the *Act of Continuance*, which prov'd so fatal unto him.

Polyander.

Touching the *Triennial* Parliament, I heard of a Prophetick mistake that came from a Lady of honour, who sending news that time to the Country, did write, that the King had passed a Bill for a *Tyrannical Parliament*, whereas she should have said *Triennial*; And touching the Act of Continuance or perpetual Parliament, I heard a tale of *Archy* the fool, who being asked whether the King did well in passing that Bill, answered, *that he knew not whether the King was the greater Fool to grant it, or they the greater knaves to ask it.* But the saying of the late Earl of *Dorset* is remarkable who saluted the King the next morning with the stile of *fellow Subject*, in regard that by that grant he had transferred both *Crown, Sword and Scep-*

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ter to the Parliament, for now we may say, that *England* hath four hundred and odd Kings in her: But tis observed, that Princes of a hard destiny do follow the worst Councils; But Sir, in lieu of these monstrous Acts of Grace and trust, what did the Parliament all this while for the King.

Philanglus.

They promised, specially upon the passing of the last Act, that they would make him *the most glorious, the best beloved, and richest King that ever reigned in England*, which promise they voted, and confirmed with the deepest protests and asseverations that could be. Adde hereunto, that the Earl of *Strafford* was passed over unto them, who after a long costly tryal was condemned to the Scaffold, and so made a Sacrifice to the *Scots* (and them) who stayed chiefly for his head.

Polyander.

Touching the Earl of *Strafford*, 'tis true he was full of ability, courage and Elocution, yet I heard his wisdom questionedbeyond Sea in divers things. First, that having a charge ready against his chiefest Accusers, yet he suffered them to take the start of him, and have priority of suit, which if he

had got, he had thereby made them parties, and so incapable to proceed against him; Secondly, that during the time of his tryal, he applyed not himselfe with that compliance to his *Jury* as well as to his *Judges*, for he was observed to comply only with the Lords, and slight the House of Commons, Lastly, that knowing he had both Parliament and *Scot* his enemies, as also the *Irish*, he would not go aside a while, and get beyond Sea (which he might have easily done from *York*) in lieu of coming up to *London*.

Philanglus.

I beleeve his death was resolved upon before his comming from *York*, if not by ordinary way of justice, yet by way of publique expedience, which appears, in regard the proceedings against him, was by a clause in the Act *not to be produced for a leading case, for example to future ages, and other inferior Courts.* Good Lord, how the rabble of the City thirsted after his death! who were connived at, and countenanced by the Parliament it selfe to strut up and down both before *White Hall* and *Westminster Hall*, where they cryed out, that if the *Common* Law failed, *Club* Law should knock him down: nay, their insolency

lency was permitted to swell so high, that they demanded the names of those Lords who would not doom *Strafford* to death.

Polyander.

Is it possible that the grave and solemne high Court of Parliament should permit such popular insolencies to be committed before their faces.

Philanglus.

Yes, and notwithstanding that the Lords did often solicit the House of Commons to take a course for suppressing them yet 'twas not hearkened unto; nay when the King had commanded a double guard of Constables and Watch-men (which is the usual way by law) to attend at *Westminster Hall*, for suppression of such disorders, the Commons cryed out, that it was a *breach of the priviledges of the House* and a trenching upon their liberties; so they took afterwards a band of Souldiers to guard them of their own election, which was never known before.

Polyander.

Me thinks that the Earl of *Strafford* being gone, fair weather ſhould have followed, he was the cauſe of the tempeſt being thus thrown over board.

Philarglus.

'Tis true, the Scots were diſmiſſed a little after, having Fidlers fare, Meat, Drink, and Money for eleven Months together in *England*, with *Straffords* head to boot. So the King prepared to go for *Scotland* according to Articles, to *hold* a Parliament there; This fill'd the houſe of Commons with odd kind of jealouſie, therefore they caſt about how to prevent the journey: ſo they did beat their brains night and day about it, ſo far that they ſate upon Sunday in debate, but with another proviſo, that it ſhould not be made *a Precident for future ages*, as the other *Caveat* was for their proceedings againſt the Earl of *Strafford*. Well, the King went to his *Scots* Parliament, where he fill'd every blank, for they did but *aſk* and *have*. He granted them what poſſibly they could *propone* in point of governing, both for *Kirk* and *State*, many received new honors, they made havock, and divided all the Biſhops Lands amongſt them; for all which

which unparallel'd Conceſſions and Acts of grace, as an argument of gratitude, they cauſed an Act (though already in force) to be publiſh'd and reviv'd. *That it ſhould be deteſtable, and damnable treaſon in the higheſt degree that could be for any of the* Scots *Nation conjunctly or ſingly to levy Arms, or any Military forces upon any pretext whatſoever, without the Kings royal Commiſſion*; but how the *Scot* obſerved this ſolemn Act afterwards the World knows too well.

During the Kings being in *Scotland*, that formidable hideous Rebellion in *Ireland* broke out; which the *Iriſh* impute to the *Engliſh* Parl. Firſt, in regard that one of their accuſations againſt *Strafford* was, that he uſed the Papiſts in that Kingdom too favourably: Secondly, for the rigorous proceedings intended by the ſaid Parliament againſt the *Engliſh* Catholicks; Thirdly, for deſign the *Engliſh* Parliament had to bring the *Dutch* and the Scot to plant in *Ireland*, the laſt of whom the Iriſh do hate in perfection above all other Nations; and Laſtly, the ſtopping of that *Iriſh* Regiment of caſhiered Souldiers, which the King promiſed by Royal Word and Letter to the King of *Spain*, who relying upon that imploiment which was denied them by order from the *Engliſh* Parliament, rather then to

begg, steal, or starve, they turned Rebels.

Polyander.

Indeed, I heard that Act of staying the *Irish* forces much censur'd abroad, to the dishonour of the King of *England* and reproach of the Parliament, considering how the Marquis *de Velada*, and *Malvezzi* and *Don Alonzo de Cardenas*, who were all three Ambassadours here for the King of *Spain* at that time, having by dependance upon the sacred word, and Letter of a King, impressed money, and provided shipping for their transport, which came to a great charge; but I pray be pleased to proceed.

Philanglus.

The King having setled *Scotland*, was his return to *London* received with much joy, but though he was brought with a kind of *Hosanna* into one end of the Town, he found a *Crucifige* at the other; for at *Westminster* there was a *Remonstrance* fram'd, a work of *many weeks*, and voted in the dead of night, when most of the moderate and well-minded members were retir'd to their rest; in which remonstrance, with as much industry and artifice as could be, all the old moats in government were expos'd to publick view from the first day of the Kings inauguration to that very hour.

Polyander

Polyander.

How could this agree with the *Proteſtation* the Houſe did make formerly to the King, to make him the beſt *beloved* that ever was? I thought that before his going to *Scotland* he had redreſs'd all grievances, by thoſe Acts of Grace you ſpoke of before.

Philanglus.

So he had, and he reſted not there but complid further with the houſe, by condeſcending to an Act for putting down the *Star Chamber Court*, the *High Commiſſion Court*, the Court of *Honor*, nay he was contented that his *Privy* Councel ſhou.d be regulated, and his *Foreſts* bounded, not according to *ancient Prerogative*, but *late cuſtom*; nay further, he paſſed a Bill for the unvoting and utter excluſion of the *ſpiritual* Lords from the Parliament for ever: Add hereunto, that having placed two worthy Gentlemen *Lieutenants* of the Tower, he remov'd them one after another, to content the Houſe, and put in one of their election: Laſtly, he truſted them with his *Navy Royal*, and call'd home at their motion, Sir *J. Pennington* who had then the guard of the narrow Seas.

Polyander,

Polyander.

I never remember to have heard or read of such notable Concessions from any King, but how came the Bishops to be so tumbled out.

Philanglus.

The City rabble were still conniv'd at to be about *Westminster* Hall, where they offered some out-rages to the Bishops as they went into the House; hereupon they presented a Petition to the King and Parliament, that they might be secur'd to repair thither to discharge their duties according to the Laws of the Land: In which Petition there was a protest or *Caveat that no Act should passe, or be valid without them:* This Petition, both for matter and form was much excepted against, and cried up to be high *Treason*, so twelve of the old Bishops were hurried to the Tower; but some of the knowingest Lawyers being considered withall, whether this was Treason in the Bishops, or no, they answered, that it might be called *Adultery* as much as *Treason:* so after many moneths imprisonment, the charge of *Treason* being declin'd against them, they were releas'd in the morning, but coop'd up again in the afternoon, then

then they were reſtored to a conditional li-berty touching their perſons but to be eter-nally excluded out of the houſe, which made one of them in a kind of Prophetick way, to tell one of the *Temporal Peers*, *my Lord you ſee how we are voted out of the Houſe, and the next turn will be yours*, which proved true.

Polyander.

I remember when I was at *York* a Gentle-man ſhewed me a fair old manuſcript of ſome things paſſed in *Henry* the eighths time: and one paſſage among the reſt ſticks in my me-mory, how Cardinal *Wolſey* being ſick at *Leiceſter*, the King ſent Sir *John Kingſton* to comfort him; to whom he anſwered, Oh! Sir *John*, 'tis too late to receive any earthly comfort, but remember *my moſt hum-ble allegeance to the King*, *and tell him this ſtory from a dying man*; *The Bohemians repi-ning at the Hierarchy of the Church, put down Biſhops, but what followed? then the Communalty inſulted over the Nobility, and afterwards the King himſelf was depoſed. ſo the government grew a while to be meerly popular, but then it turned from a* Succeſſive *to be an* Elective *Kingdom*; *This, ſaid he, will be the fate of* Eng-land, *unleſs the King bear up the reverence due to the*

Church

Church, and so I pray God that his Majesty may find more mercy at the tribunal of Heaven, then I have upon the Earth; But pray Sir be pleas'd to proceed.

Philanglus.

The Parliament having the Navy at their disposing (which they found to be in a good equipage, gramercy *Ship money*) and having chosen the Earl of *Warwick* Commander in Chief, notwithstanding the King excepted against him, They demand all the Land Souldiers and Military strength of the Kingdom to be managed by them, and to be put in what posture, and under what Commanders they pleased; But the King answered, that he would consider of this, and it was the first thing that he ever denied them, yet at last he was contented to grant them this also *for a limitted time*; but that would not serve the turn: Hereupon growing sensible how they inched every day more and more upon the Royal *Prerogative* He thought 'twas high time for him to look to himself: And intending with some of his menial servants onely to go to *Hull* to see a Magazin of *ammunition* which he had bought with his own treasure, he was in a hostile manner kept out, the Gates shut. Cannons mounted, Pistols cocked and levelled at him, and there the Kings party said, the war first began.

Polyander.

A hard deſtiny it was for a King to loſe the love of his ſubjects in that manner, and to fall a claſhing with his great Council: but under favour; that demand of the Militia was ſomewhat too high: for every natural Prince, and ſupream Governour hath an *inherent* and inalienable right in the common ſtrength of the Country, for though the peoples love be a good Cittadel, yet there muſt be a concurrence of ſome outward viſible force beſides, which no Earthly power may diſpoſe of without his command, and for him to tranſmit this power to any other, ſpecially to any that he miſtruſts, is the onely way to render him inglorious, unſafe, and deſpicable, both at home and abroad; you know in the Fable when the Lion parted with his paws, and the Eagle with her talons, how contemptible the one grew among all beaſts, and the other among birds.

The Scepter and the Crown are but bables without a ſword to ſupport them. There's none ſo ſimple as to think ther's meant hereby an ordinary ſingle ſword, ſuch as every one carrieth at his ſide

side, no, tis the publique Polemical sword of the whole Kingdom, 'tis an aggregative compound sword, and 'tis moulded of Bell-mettle, for 'tis made up of all the Ammunition and Arms, small and great, of all the Military strength both by Land and Sea, of all the Forts, Castles, and tenable places within and without the whole Country: The Kings of *England* have had this sword by vertue of their *Royal Signory*, as the Law saith, from all times, the Prerogative hath girded it to their sides, they have employed it for repelling of forraign force, for revenging of all National wrongs or affronts, for quelling all intestine tumults; The people were never capable of this sword, the fundamental constitutions of this Land deny it them: 'Tis all one to put a sword in a mad mans hand as in the peoples: Now under favor, the Supream Governor cannot transfer this sword to any other, for that were to desert the protection of his people, which is point blank against his oath and office: but I crave your pardon again that I have detained you so long from the pursuit of your former discourse.

Philanglus.

The King being so shut out of one Town (I mean *Kingston* upon *Hull*) he might suspect

ſuſpect that an attempt might be made to *ſhut him in* within ſome other: Therefore be made a motion to the *York-ſhire* Gentlemen to have a guard for the preſervation of his Perſon in imitation of the Parliament, who had taken a kind of choice *Prætorian* band many moneths before for their ſafeguard, though without the Kings conſent: The *Northern* men came cheerfully to this ſervice; wherewith the Parliament being not well pleas'd they interdicted all trade to *Newcaſtle*.

But I muſt make a ſtep back; when the King was return'd from *Scotland*, he retir'd to *Hampton* Court, yet upon the Lord Mayors and Cities ſolicitation, hee came back to *White-Hall*, to keep his Chriſtmas: But when the Bill againſt Biſhops was in agitation, which laſted above ten Months, and was twice caſt out of the Houſe of Peers, a crue of bold ſturdy mechanicks, Marriners, and Tar-pawlings came from the City, and ruffled again before *White-hal* and *Weſtminſter-hall*, and would have violated the *Abbey* of *Weſtminſter*, under the Parliaments Noſe, ſo that for many nights, a Court of Guard was forc'd to be kept in the body of that Church.

The King finding ſuch diſtempers ſtill in the Parliament, and knowing the chiefeſt Authors

Authors of them who he had impeach'd before, but could get no justice against them in an ordinary way, though he desir'd the Parliament to *direct* him in a course how to go on in the Empeachment in such extremity, for desperate diseases requiring desperate cures. He took the *Palsgrave* with him, and making use of the next Coach he met withall at the Court gate, he went to the House of Commons in person to demand five Members, which he would prove to be Traytors in the highest degree, and to be the fomenters of all these divisions, protesting unto them upon the word of a King, that they should have as fair and legal a Trial as ever men had; in the interim, he desir'd onely that their persons might be secur'd: The Walls of both Houses, and the very stones of *London* streets did seem to ring of this high carriage of the King, and the sound thereof far and neer into the adjacent Countries, whence the Plebeans (by incitement of some of the Members) came in whole Herds to the City, and strutting up and down the streets, had nothing in their mouths but *Priviledge of Parliament.*

Polyander.

Yet as I obſerv'd in your diſcourſes before Queen *Elizabeth*, though ſhe was ſo popular, and ſuch a minion of Parliaments, did the like, and far higher things. But now that you have given a touch of the *Palſegrave*, I remember a *Manifeſto* of that Parliament, which they paſſed and publiſhed in favour of his reſtitution, which was laughed and libelled at in *Germany*.

Philanglus.

'Tis true. the King went in ſtate one day to the Parliament in his behalfe, where he clear'd unto them the whole buſineſs, and becauſe he doubted that Sir *Thomas Roe* his Embaſſadour ſhould have but ſorry ſucceſs in the Diet which was then held in *Germany*, in regard he underſtood of an *Amneſtia* to come forth, whence the Prince Palatine was excluded, he deſired the two Houſes to joyn with him in a publique *Manifeſto*. The Parliament did cheerfully approve hereof, praying that *Scotland* would joyn with them: The *Manifeſto* conſiſted of two parts, or proteſtations, one againſt all Acts whatſoever that ſhould paſſe in the Imperial *Diet* in the prejudice to the *Palatine*; the other, that the King and Parliament of great

Britain were resolv'd to espouse his quarrel; but this business was little thought of afterwards.

The King as I told you before, having gone to the House of Commons himself to demand those Members, it happened none of them were there, but retir'd to *London* for refuge, the House having had notice of the design from Marquis *Hamilton* who was us'd to reveal unto them whatsoever was intended at Court.

Polyander.

It may well be said then, that the infortunate King had greater Traitors within doors, then abroad; but it concern'd *Hamilton*, with *Holland*, and others to keep in with the *House*, because they were the chiefest *Monopolizers*, specially the Earl of *M.* who in regard his son was so great a Zealot in the Upper House, was permitted to keep a kind of Office to compound for his corruption, and briberies, whereof there were above forty prov'd against him, yet he scap'd without any punishment at all, or least mark of Infamy.

Philangius.

Philanglus.

Well Sir, the Londoners grew ſtark wild when they heard of this attempt of the King, and the Countries about, ſpecially *Eſſex* and *Buckinghamſhire* men being incited by *Hamden* (who was kill'd afterwards upon the ſame turf of earth where he call'd the people together) came in great ſwarms to Town, and joyning with the City and *Suburbian* rabble. They brought the five Members the next day to the Houſe, in a kind of Triumph, being guarded by water as wel as by land by ſuch companions. A little after, ſundry Troops of Country horſe came, and inſtead of Feathers or Ribands, they carried a paper-*Proteſtation* in their Hats, as the Londoners had done a little before upon their Pikes point.

Polyander.

I heard much of the ſaid Proteſtation, but I pray oblige me to tel what it was.

Philanglus.

It conſiſted of many parts, being penn'd, and enjoin'd by the Parliament for every one to take: The firſt part *was to maintain the true Proteſtant Religion againſt all* Popiſh *innovations (but no* other.) *The ſecond was to*

maintain the Person *Prerogative, and honour of the King*. The third, *The Priviledge and Power of Parliament*. And lastly, *the property and liberty of the Subject*.

Polyander.

Where was the King during all these popular Riots?

Philanglus.

Rather then expose himself to such indignities, and there being dark whispers of an attempt upon his Person; he retir'd to *Hampton Court*, thence to *Windsor Castle*, whence having accompani'd the Queen, and his eldest Daughter to the Sea-side for *Holland*, and having commanded the *Prince* to attend him at *Greenwich* against his return, the Prince had been surpriz'd, and brought to *London*, had the King stayed but a quarter of an hour longer: Thence he remov'd to *York*, where he sojourn'd all that Summer; and among other things he sent for his Great *Seal* thither, which rid Post, and was pursued by the Parliament, but not overtaken.

The King being setled at *York*, the Parliament still move him to have the disposing of the *Militia*, and not to be limited to any time, which he denied, for he was loth to

to be dis-arm'd, and part with his ſword: Therefore he put forth his Commiſſions of Array according to the old Law of *England* as he alledg'd, which declares it to be *the undoubted Right, and Royal Signory of the King to arm or diſarm any Subject.*

The Parliament ſend out Counter-commands for the executing the ſaid *Militia*, ſo by this claſhing 'twixt the Commiſſion of *Array* and the *Militia*, the firſt flaſh of that cruel, and cruentous civil War may be ſaid to have broke out. A cloſe Committee was appointed, which was mix'd of Lords and Commons, and I cannot tell how many Rural, and ſubordinate Committees of mean mechanical men, who ſtood higher a tip-toe in conventing Lords and Knights before them, then the Parliament members themſelves; an Admiral alſo was ſent to ſea, againſt whom the King excepted.

Poljander.

That was ſtrange, conſidering how oft the King had complied with them that way, having at their requeſt remov'd two Lievtenants of the Tower, and taken one of their Election, having remov'd the Governour about his ſon, and taken one of their choice, having remov'd Sir *Thomas Glenham* from *Hull*, and nominated *Hotham*, *&c.*

Philanglus.

The *Presbyterians* who had brought in the *Scots* Army before, and were the activ'st men, cried out that the whole Kingdom was like to be ruin'd by secret Plots and machinations; That there was a design to bring in the *Pope*, and to cast the civil Government into a *French frame*, whereof they made the Pulpits to ring up and down; nor did the Pulpit onely help to kindle this fire, but the Presse also did contribute much thereunto, dangers, and jealousies, and a kind of *superfœtation* of fears did daily increase in every corner,

——*Tradunt q, metus nec poscitur Author.*

As the Poet saith.

Polyander.

There be sundry sorts of fears: There are *conscientious* fears, there are *pannick* fears, there are *pusillaminous* fears, and there are *politick* fears: The first proceeds from guilt of conscience, which turns oft to phrensie; The second fear may be called a kind of *Chymera*, 'tis some sudden surprizal or consternation proceeding from no grounds; *Pusillaminous* fear makes a Mountain of a Mole-hill, it proceeds from poverty of spirit, and want of courage, and is a Passion of

of abject, and degenerous minds, and is call'd cowardize; *Politique* fear is a created forg'd fear, wrought in another, to bring some design about; And as we finde the Astronomers (as is said elsewhere) do imagine such and such shapes and circles in the Heavens, as the *Zodiack*, *Equinoctial*, *Colures*, *Tropiques*, and others, though there be no such things really in nature, to verifie and make their conclusions good; so the Statist doth often devise and invent imaginary fears to make his proceedings the more plausible, and thereby to compass his ends. Or as the Sun useth to appear far bigger in the morning and evening, then at noon when he is exalted to his Meridian, and the reason the Philosophers use to give is the interposition of the vapours and exhalations, which are in the lower Region of the air, through which we look upon him, (as we find a piece of Silver look bigger in a Bason of water, then elsewhere) so the Politician useth to cast strange mists of fears, and fogs of jealousie before the simple peoples eyes, to make dangers seem bigger. It is observed, that the *Torpedo* fish, when he fears to be catched, useth to disgorge an Inky black froth, to puddle and darken the water that he may not be seen, and so avoids taking; so one trick of a Statist when he goes a fishing

after some ends of his own, is to cast out before the eyes of the credulous vulgar strange mists, and apprehensions of fears and dangers, that they may scape in them if need be: But I pray deal clearly with me, was there a design to bring in the Mass again?

Philanglus.

The *Mass*? you may say there was a plot to bring in *Mahomet* as soon, to bring in the *Alchoran* or *Talmud* as soon; yet I believe there was a pernitious plot to bring in a new Religion, but what Religion I pray? it was not *Papery* but *Presbytery*, and with it to Usher in *Buchanan* and *Knox* and to cast our Church and State into a *Scots* mould.

Polyander.

I must tell you indeed that I heard the *English* much censured, and undervalued abroad, for enslaving, as it were, their understandings and judgements in point of Religion to the *Scots*, whom we made Christians and *Reformed* Christians first, and now for us to run to them for a Religion, what a disparagement think you is it? But you spoke before of an Empeachment of high Treason; the King had against the five Members, for which he desired only the benefit of the Law, I pray what was that Treason?

Philanglus.

Philanglus.

The main charge of Treason that was intended to be exhibited against them, was the private intelligence, and combinations they held with a forreign nation, and to have been the prime instruments of bringing in the *Scots* Army, which had done so much mischiefe to *England*, and was dismissed upon such inglorious terms, for besides the plunder they got, they had a vast sum of treasure to be gone; which was not the usual way that our Progenitors used in dealing with the *Scot*, for in former times *England* was wont to pay the *Scot* his Arrears (when he came to visit her borders) in another kind of mettal, *viz.* with *good Iron and Steel*, not with *Gold and Silver*, but she hath soundly revenged her selfe since, for the insolencies of that hungry Nation.

But to proceed,

The *Hierarchy*, and English *Liturgy* being voted down, there was a general liberty given to all consciences in point of Religion; The Taylor and Shoomaker might have *cut out* what Religion they pleas'd; the Vintner and Tapster might have *broach'd* what Religion they pleas'd; the Druggist and Apothecary might have *mingled* her as they pleas'd; the

the Haberdasher might have put her upon what *block* he pleas'd; The Armorer & Cutter might have *furbrish'd* her as they pleas'd; the Dier might have put what *colour*, the Painter what *face* they pleas'd upon her; the Draper and Mercer might have *measur'd* her as they pleas'd; the Weaver might have cast her upon what *loom* he pleas'd; the Boat-swain and Mariner might have brought her to what *deck* they pleas'd; the Barber might have *trimm'd* her as he pleas'd; the Gardner might have *lopp'd* her as he pleas'd; the Black-smith might have *forg'd* what Religion he pleas'd. And so every one according to his profession and fancy was tollerated to form what Religion he pleas'd, as was observ'd elsewhere.

Polyander.

Indeed I was told often beyond the Seas that the *Liberty of the Gospel*, and the *Liberty of the People*, were the two things which were mainly aim'd at, but how did the war begin?

Philanglus.

I told you before, that besides other causes the clashing of the *Militia*, with the Commission of *Array*, did put all things in disarray throughout the whole Kingdom, many

many Declarations came from the King, but they were prohibited at last to be publisht, and the Printers punish'd. A little after the Parliament voted an Army to take away ill Councellours from about the Kings person, and the Earl of *Essex* was appointed General, with whom they voted to live and die.

Polyander.

Me thinks that Lord was not so proper for the service, in regard his Father before him lost his head upon the like occasion for offring to amove ill Councellors from about Queen *Elizabeth*; but I believe he might have a private quarrel of his own with the Court, in that his first wife was Articled, and sentenc'd away from him, and married to a *Scotch man* whom he much hated, in King *James* his time, who made a deep asseveration, that if any thing was amiss in that divorce, he wish'd it might light upon his own Soul; but I pray be pleas'd to go on.

Philanglus.

The King understanding that the Parliament did thus arm, he was told that it was not fit for him to be idle, so having levied some forces in the North, he marched with

with them to *Nottingham*, where he set up and displaied the Royal Standard, but the Beam thereof by a gust of wind towards the evening was broke, which was held an ill augury.

Polyander.

I heard by some of those that were then on the place that the King had not 4000 effective fighting men, when he put up his Standard, and the Parliament had an Army of above 15000 in a compleat body, and upon their march about *Northampton*, therefore I heard it censured a great oversight in the *Parliament*, that they did not inorder their General, to find out the King at *Nottingham*, where he might have either taken him Prisoner or forc'd him to flie with his little confus'd Army: But I pray pursue your discourse.

Philanglus.

I must again step a little back, and inform you, as that Army of the Parliaments was a levying, these Propositions were sent to the King, with a complemental introduction, which because they are of a very high nature, I will particularly relate unto you, the preamble was this.

WE

WEE your Majesties most humble and faithful Subjects, having nothing in our thoughts and desires more precious, and of higher esteem, next to the honour and immediate service of God, then the just and faithfull performance of our duty to your Majesty and this Kingdom; and being sensible of the great distractions, and distempers, and of the imminent dangers, and calamities, which the said distractions and distempers are like to bring upon your Majesty and your Subjects, all which have proceeded from the subtile informations, mischievous practises, and ill counsels of men disaffected to Gods true Religion, your Majesties honour and safety, and the publick Peace and Prosperity of your people. After a serious observation of the Causes of these mischiefs: Wee do in all humility and sincerity, present to your Majesty our most humble Petition and Advice, that out of your Princely wisdom for the establishing of your own honour and safety, and gracious tenderness of the welfare and security of your Subjects and Dominions,

You

You will be pleased to grant and accept these our humble desires, and Propositions, as the most necessary effectual meanes through Gods blessing of removing those jealousies, and differences which have unhappily fallen 'twixt you and your people, and for procuring both your Majesty and them a constant course of honour, peace and happiness.

1. *That those of your Privy Council, and such great Officers and Ministers of State, either at home or beyond the Seas, may be put from about you, and from those Offices and Employments, excepting such as shall be approved of by Parliament; And that the persons put into the places and employments of those that be removed, may be approved of by Parliament; And that all Privy Councellors shall take an Oath for the due execution of their places as shall be agreed upon by Parliament.*

2. *That the great affairs of the Land may not be concluded or transacted by the advise of private men, or by unknown, and unsworn Councellors, but*

that ſuch matters that concern the publique and are proper for high Aſſemblies, which is your Majeſties great and ſupream Council, may be debated, reſolved, and tranſacted here, and no where elſe, and ſuch as ſhall preſume to do any thing to the contrary, ſhall be reſerved to the cenſure and judgement of Parliament; And ſuch other matters of State, as are proper for your Privy Council, ſhall be debated, and concluded by ſuch, as ſhall from time to time be choſen for that place by approbation of Parliament; And that no publique Act concerning the affairs of the Land which are proper for your Privy Council may be eſteemed of any validity as proceeding from Royal Authority, unleſs it be done by the advice and conſent of the major part of your Council; And that your Council be limited to a certain number, not exceeding twenty five, nor under fifteen; And if any Councellors place happen to be void in the intervalls of Parliament, it ſhall not be ſupplyed without the conſent of the major part of the Council, which

voice shall be confirmed at the next sitting of Parliament, or else to be void.

3. *That all the great Officers of State and Civil Justice, as also your Secretaries, may be chosen with the approbation of Parliament, and in the intervals as formerly.*

4. *That he or they, to whom the Government, and Education of the Royal issue shall be committed, shall be approved by Parliament, and in the intervals as formerly; And that all such servants which are now about them, against whom the Parliament shal have any just exception, shal be removed.*

5. *That no Alliance of any of the Royal issue, by way of marriage, shall be concluded or treated with any foraign Prince or other Person whatsoever, at home or abroad, without consent of Parliament, under the penalty of a* Præmunire *unto such as shall conclude or treat of any such Alliance; And the said penalty shall not be pardoned or dispensed with, but by consent of Parliament.*

That

6. *That the Laws in force against Papists be strictly put in execution without any toleration or dispensation to the contrary; And that some more effectuall course be enacted to disable them from making any disturbance in the State, or eluding the Law by Trusts or otherwise.*

7. *That the Votes of all Papists in the upper House may be taken away as long as they continue Papists, and that such a Bill be drawn for the education of their Children in the reformed Religion.*

8. *That your Majesty will be pleas'd to consent, that such a Reformation bee made of the Church-government, as the Parliamsnt shall advise of: And that your Majesty will contribute your best assistance for the raising of a sufficient maintenance for Preaching Ministers throughout the Kingdom; And that your Majesty will be pleas'd to give your consent to Laws, for the taking away of Innovations and Superstition, and pluralities, and against scandalous Ministers.*

9. *That your Majesty will be pleas'd to rest satisfied with that course the Parliament hath appointed for ordering the Militia, untill the same shall be further setled by Bill; and that your Majesty will recall your Declarations, and Proclamations against the Ordinance made by the Parliament concerning it.*

10. *That such Lords and Gentlemen that are Members of the House, which have been put out of any Place or Office, may either be restor'd, or have satisfaction for the same, upon the Petition of the Court, whereof he or they are Members.*

11. *That all Privy Councellors and Judges take Oath, the form where of to be agreed upon, and setled in Parliament, for the maintenance of the Petition of Right, of certain Statutes made by this Parliament; And that an Inquiry of all the breaches and violations of those Laws may bee given in charge by the chief Judges, to be presented and punished according to Law.*

12. *That*

12. *That all the Judges, and all the officers placed by approbation of Parliament may hold their places,* quam diu se benè gesserint.

13. *That the Justice of Parliament may pass upon all Delinquents, whether they be within the Kingdom, or fled without it; And that all persons cited by either Court, may appear and abide the censure of Parliament.*

14. *That the General pardon offered by your Majesty may be granted with such exceptions as shall be advised of by the Parliament.*

15. *That the Forts and Castles of the Kingdom be put under the command and custody of such as your Majesty shall appoint, with the approbation of your great Council, and in the interval with the major part of your Privy Council, as formerly.*

16. *That the extraordinary guard, and military forces now attending your Majesty, be removed and discharged, and that for the future, that you will raise no such Guards or extraordinary*

forces but according to the Law, in case of actual Rebellion or Invasion.

17. *That your Majesty will be pleased to enter in a more strict league with the Hollanders, and other Neighbour Princes and States of the Reformed Religion, for the defence and maintenance thereof against all designes and attempts of the Pope and his adherents, to subvert and suppress it, whereby your Majesty will obtain a great access of strength, and reputation, and your Subjects much encouraged and enabled in a Parliamentary way for your aid and assistance in restoring the Queen of* Bohemia, *and her Princely issue, to those dignities and dominions that belong to them, and relieving the other reformed distressed Princes, who have suffered in the same cause.*

18. *That your Majesty will be pleased to clear by a Parliamentary Act those Members you have empeached, in such a manner, that future Parliaments may be secured from the consequence of it.*

Presidents.

19. *That*

19. *That your Majesty will be graciously pleas'd to pass a Bill for restraining Peers made hereafter from sitting or voting in Parliament, unless they be admitted thereunto by consent of both Houses.*

And these our humble desires being granted by your Majesty, we shall forthwith apply our selves to regulate your present Revenew in such sort as may be to your best advantage, and likewise to settle such an ordinary, and constant encrease of it, as shall be sufficient to support your Royal dignity in honour and plenty, beyond the Proportion of any former grants of the Subjects of this Kingdom to your Majesties Royall Predecessors; We shall likewise put the Town of *Hul* into such hands that your Majesty shall appoint, with the consent, and approbation of Parliament, and deliver up a just account of all the Magazine, and cheerfully employ the utmost of our endeavors in the real expression and performance of our dutiful and Loyal affections, to the preserving and maintaining of the Royal honour, greatness, and safety of your Majesty, and your posterity.

Polyander.

How did these Propositions relish? they run in a very high strain, though the preamble and conclusion breath a great deal of humility and allegeance.

Philanglus.

The King received these proposals with a kind of indignation, saying, that he was worthy to be a King no longer over them, if he should stoop so low; some alledged that the very propounding of them was Treason in the highest degree, for they struck at the very foundation and root of all Royal authority; therefore the condescending to them would render him a King of clouts, and fit to be hooted at by all his Neighbours.

Polyander.

The world was much amazed abroad that the Peers should concur in passing such Propositions, considering how their honour must stand and fall with the Royal Prerogative: well Sir, on.

Philanglus.

You must think Sir, that one part of foure of the Lords were not there, the rest were

were with the King, who slighting those nineteen Propositions (an *unluckie* number) it made the Pulse of the Parliament to beat higher, and to publish to the World a new Declaration the substance whereof was,

That the Parliament hath an absolute power of declaring the Law, and whatsoever they declare is not to be questioned by any King, Magistrate or Subject: That no Precedents can bound or limit their proceedings: That they may dispose of any thing wherein King or Subject hath any right for the publick good, wherefore they may be Iudges without Royal Assent: That none of their Members ought to be molested or medled withal for treason, felony, or any other crime, unlesse the cause be brought before them to judge of the fact: That the Soveraign power resides in them: That levying of Warre against the command *of the King though his person be present, is no levying of War against the King, but the levying of War against his* politick person *and* Laws, *that is the onely levying War against the King.*

Polyander.

It was not the first time that this new kind of *Metaphysick* was found out to abstract the person of the King from his Office, and

make him have two capacities *private* and *politick*, for the ſame *Metaphyſick* was made uſe of in *Edward* the ſeconds Reign, but it was exploded, and declar'd by Act of Parliament afterwards to be deteſtable, and damnable Treaſon: This were to make Soveraignty (by ſeparating it from the perſon) to be a kind of *Platonick* Idea hovering in the aer, to make a King a ſtrange kind of *Amphibium*, to make at the ſame inſtant a King, and no King, of the ſame *Individuum*, a power which the *Caſuiſts* affirm God Almighty never aſſum'd to himſelf to do any thing that *implies contradiction.*

Philanglus.

The Parliament or rather the *Presbyterian* Army (for the *Presbyters* ſate then at the Helm) increas'd dayly, and things being at ſuch a deſperate point, there were two choice Earls (*Southampton* and *Dorſet*) ſent from *Nottingham* with this Pathetick Letter of the Kings to the Parliament.

WE have with unſpeakabl grief of heart, long beheld the diſtraction of this our Kingdom; Our very ſoul is full of anguiſh until we may find ſome remedy to prevent the miſeries which are ready to overwhelm this whole Nation by a civil War; And though all our indeavors tending

ding to the composing of those unhappy differences twixt us and our Parliament, though pursued by us with all Zeal and Sincerity, have been hitherto without the successe we hoped for, yet such is our earnest and constant care to preserve the publick peace, that we shall not bee discouraged from using any expedient, which by the blessing of the God of mercy may lay a firm foundation of peace and happinesse to all our good Subjects: To this end observing that many mistakes have arisen by the Messages, *Petitions, and Answers betwixt us, and our great Councel, which haply may be prevented by some other way of Treaty, wherein the matters in difference may be clearly understood, and more freely transacted, We have thought fit to propound unto you that some fit persons may be by you inabled to treat with the* like *number to be authorized by us, in such a manner, and with such freedome of debate, as may best tend to that happy conclusion which all good people desire.* viz. The Peace of the Kingdom, *wherein as we promise in the word of a King all safety and encouragement to them, who shall be sent unto us, if ye will chuse the place we are to meet for the TREATY, which we wholly leave unto you, presuming the like care of the safety of those wee shall employ if you shall name another place,*

So

So we assure you, and all our good Subjects, that to the best of our understanding, nothing shall be wanting on our part, which may advance the true Reformed Religion, oppose Popery and Superstition, secure the Law of the Land, upon which is built as well our just Prerogative, as the propriety and liberty of the Subject, confirm all just power and privileges of Parl. and render us a people truly happy by a true understanding 'twixt us and our great Council; bring with you as firm a resolution to do your duty, and let our people join with us in prayer to Almighty God for his blessing upon this Work.

If this Proposition be rejected by you, we have done our duty so amply, that God will absolve us from the guilt of any of that blood which shall be spilt; And whatsoever opinion other men may have of our power, we assure you that nothing but our pious and Christian care to prevent the effusion of blood hath begot this motion in us: Our provision of men, Armies, and Money being such as may secure us from violence, till it please God to open the Eyes of our people.

Polyander.

What impression did this Letter make, for it promis'd much.

Philanglus.

Philanglus.

It made little or none at all, though it was all written with the Kings own hand, for the Parliament was formerly nettled at a Declaration he had sent, when having made a motion to go himselfe in person to suppress the *Irish* Rebels (which attempt the *Scots* approved of, and highly applauded, but being not liked by the *English* Parliament, he replied unto them, to this effect.

"When we recommended the reduct-
"on of *Ireland* to you, we intended not to
"exclude our Self, or not to be concernd
"in your Councils, but that if there were
"any expedient which in our Conscience
"and understanding we thought neces-
"sary for that great work, we might put
"it in practise; We look upon you, as
"our great Council, whose advice we al-
"ways have and will with great regard and
"deliberation weigh and consider of, but
"we look upon our Self as neither depriv'd
"of our understanding, or devested of any
"right we had, were there no Parliament at
"all sitting; We call'd you together by our
"our own Royal Writ and authority (with-
"out which you could not have met) to give

us

" us faithful Counſel about our great affairs,
" but we reſigned not hereby our intereſt,
" and freedom, we never ſubjected our Self
" to your abſolute determination; we have
" alwayes weighed your Counſel as from a
" body intruſted by us. and when we have
" diſſented from you, we have returned you
" the reaſons which had prevailed with our
" underſtanding and conſcience, and with
" ſuch candor, that a Prince ſhould uſe to-
" wards his Subjects, and with that affection
" a Father ſhould expreſs to his Children;
" What applications have been uſed to re-
" ctifie our underſtanding by reaſons, and
" what motives have been given by *you* to
" perſwade our affections, we leave the
" world to judge; Moreover, we muſt not
" forget to tell you, however a major part
" may blind you in matter of opinion, We
" hold our ſelfe (and we are ſure the Laws
" and conſtitutions of the Kingdom hath al-
" ways held the ſame) as free to diſſent, till
" our reaſon be convinced for the general
" good, as if you delivered no opinion.

" When we ſummoned you firſt together,
" we did not intend to put the reins of all
" Rule and Reaſon into your hands, and by
" a kind of blind bruitiſh formality, and
" unprincely ſimpleneſs, to aſſent to every
" thing without examining our own Con-

ſcience

" ſcience and judgement which yet never " pleaſed us more, then when they concurr'd " with yours, This were to bring us back " to a nonage, now that we are come long " ſince to the perfect growth of diſcretion; " you muſt not think to take from us the " Maſtery and uſe of our innated reaſon, and " the dictates of our own conſcience, or " that we will raiſe a Tempeſt at home, with- " in our breſt, to calm a ſtorm abroad; In fine, " we called you together, to *propound*, not " to *give* Law, to be our *Counſellors*, not our " *Controllers*, for *Counſel degenerates from* " *the nature of Counſel when tis coercive*. Nor " ſhall we ever enfeeble our regal power, " or ſuffer it to be invaded ſo far as to give " way, that any Ordinance or Omnipoten- " cy of Votes, ſhall be able to ſuſpend an " *Act*, already in force without our aſſent; " To conclude, as we firmly reſolve to make " the Law the *meaſure* of our actions, ſo we " expect it ſhould be alſo the *Rule* of your " obedience and deliberations, and that the " reſult of all your Counſels be derived from " it.

Polyander.

This was home, and high, but what anſwer did the Parliament make to the former letter from *Notingham*?

Philan

Philanglus.

The noble *Perſonages* who carried that Letter were looked upon with an ill aſpect by the Parliament; yet an anſwer was returned, containing this propoſal, *That the King would revoke and annul in the firſt place thoſe Proclamations, and o her publique inſtruments whereby their Adherents were declared Traytors, u der which notion 'twas neither honourable for his Ma eſty to treat w th them, nor were they capable to treat wi h Him.*

Polyander.

This Doctrine I believe they had learnt of the *Scot*; but what did the King reply?

Philanglus.

He ſent word that he was willing ſo to do, provided that the Parliament would recal likewiſe their Votes, Orders, or Ordinances paſſed againſt ſuch whom they declared Delinquents for adhering to the King according to the clear known Law of the Land, in the reign of *Hen.* 7. which was, *that none ſhould be moleſted or queſtioned for adhering unto, or aſſiſting the Royal perſon of the King.*

This

This the King desir'd by way of reciproeal correspondence, but it being denied, those overtures for a Treaty came to nothing; so the Parliaments Army begin to advance, and the Kings did daily increase.

Thereupon the Lords that were about the person of the King, whereof there were above threescore, made this publick *Manifesto*.

WE do ingage our selves not to obey any Orders or Commands whatsoever, that are not warranted by the known Laws of the Land; We ingage our selves and fortunes to defend your Majesties Person, Crown, and Dignity, with your just and legal Prerogatives, against all persons and power whatsoever: We will defend the Religion established by the Law of the Land, the lawfull Liberties of the Subjects of *England*, with the just priviledges of your Majesty and the Parliament: And we ingage our selves further, not to obey any Rules, Order or Ordinance whatsoever concerning any *Militia*, that hath not the Royall Assent.

To this was subjoined another.

We whose names are under written, in obedience to his Majesties desire, and out of the duty

duty We ow to his honour, and to truth, being here on the place, and witneſſes of his Majeſties frequent and earneſt Declarations and Profeſſions of his abhorring all deſigns of making war upon the Parliament; And not finding any Councels that might reaſonably beget the belief of any ſuch deſign; We do promiſe before God, and teſtifie to all the World, that we are fully perſwaded, his Majeſty hath no ſuch intention, but that all his indeavours tend to the ſtrm, and conſtant ſettlement of the true Religion, and the juſt priviledges of Parliament, the Liberty of the Subject, with the Laws, Peace and Proſperity of this Kingdom.

But all this would not ſerve the turn, for neither Parliament nor people would give credit to any thing that drop'd from King or Peers, ſpecially the City of *London*, where the Presbyterians played their parts notably, by inciting the people to a War for preventing the introduction of *Slavery* and *Superſtition*; ſo, unuſual voluntary collections were made both in Town and Country; the Seamſtreſs brought in her ſilver thimble, the Chamber-maid her Bodkin, the Cook his ſilver ſpoon, the Vintner his Bowl into the common Treaſury of War and they who contributed to ſo pious a work, were invited more then others in ſome Churches to come to the *Holy Communion* in the very time

time of adminiſtration; And obſerved it was that ſome ſorts of *Females* were freeſt in thoſe contributions, as far as to part with their Rings and earings, as if ſome *Golden Calf* were to be molten and ſet up to be idolized, which prov'd true for the *Covenant* a little after was ſet up, which may be ſaid to have been a kind of Idol, as I ſhall make it appear hereafter.

Thus a fierce funeſtous civil War was a fomenting in the very bowels of *England*, which broke out into many ſtorms and ſhowers of blood: The fatal Cloud wherein this ſtorm lay long ingendring, though when it began to condenſe firſt it appeared but as big as a hand, yet by degrees it did ſpread to ſuch a vaſt expanſion, that it diffuſed it ſelf through the whole Region, and obſcur'd that fair face of *Heaven* which was uſed to ſhine upon this part of the *Hemiſphere*.

The King fell to work then in good earneſt, and made choice of the Earl of *Linzey* for General of the Infantry, which choice was generally cried up of all; Prince *Rupert* was made General of the Horſe, but that election did not find ſuch an applauſe: The firſt incounter that Prince *Rupert* had with his Godfather the Earl of *Eſſex* was near *Worceſter*, where he defeated ſome of

the flower of the Parliaments horſe; The King having remov'd from *Nottingham* to *Derby*, and ſo to *Straſſord*, his forces increas'd all along; but paſſing by *Chartly* the Earl of *Eſſex* houſe, the Souldiers hop'd to have had ſome plunder there, but a ſtrict command was given by the Kings own mouth that nothing ſhould be touch'd, not as much as a Buck, whereat their teeth did water as they march'd through his Park; So he came to *Shrewsbury* where the Court kept above a month, at which time, the Army multiply'd exceedingly, to neer upon 30 *M.* men, and the Welchmen coming ſo thick down the Mountains, did much animate the *Engliſh*.

From *Shrewsbury* the King took a reſolution to remove to *Oxford*, but after ſeven dais tireſome march, hee underſtood the Parliaments Army were within ſix miles of him, ſo he went out ſo far to find them out, and fac'd them on a Sunday morning from *Edge Hil*, as they lay in *Kinton* field where their Colours were diſplayed: At ſight of the Royal Army they diſcharged ſome peeces of Ordnance in Defiance ſo both Parties prepared for Battel, and the Sun had declined above two hours in the afternoon before the Cannons and Kings Infantry could get into the bottom

Bei

Being put there in a fighting posture, and having the wind favourable, the King gave command to let fly the Cannons to begin Battail; Thus a most furious Engagement began, which lasted about three houres, till night parted them; and some old *French* and *German* Commanders who were there employed in the Royal Army, reported afterwards, they never saw such a manful fight in all their lives: Prince *Rupert* springing ore a low hedge lind thick with the enemies Musqueteers, pursued their Horse very far, and did notable execution upon them all the way, and had he not worried them so far, and deserted the Infantry, or had not his *German* Souldiers fallen a plundring too'soon, matters might have gone better with the King.

Polyander.

I heard it reported that this Battail was fought just the same day twelve month that the Rebellion and Massacre began in *Ireland.*

It was so, being the 23. of *October*, a day fatal for blood; Now, though this Battail of *Edg-Hill* may be said to be sudden, inexpected, and unpitched, yet for posiſion of ground 'twas fought in as indiffe-

rent, and a fit place for a battail as possibly could be lighted upon, for the Combatants had scope enough to fight, and the Spectators, whereof there were multitudes upon the rising adjacent grounds, might behold all as plainly as a Tragedy acted upon a Stage, or Cock fighting in a Pit.

The Parliaments Army had the advantage of the Kings in point of Infantry who were very good Fire-locks, most of them having been trained up in *London*, and so left their *Wares* to follow the *Wars*. They had also the advantage of the King in point of Arms, for scarce three parts of four were Armed in his Army: But for Cavalry, the Royalists had the greater advantage, for the flower of most of the English Gentry was there, in so much that the life-Guard of the King was computed to above one hundred thousand pounds sterling of yearly Revenue.

About the evening of the day following, both parties retired from the field, the Parliaments back towards *Northampton*, the Kings to their former road towards *Oxford*, and in the way they took *Banbury*, where there was a strong Garison for the Parliament, which sure, as the Cavaliers gave out, the Earl of *Essex* had preserved, had he been then Master of the field.

After

After this battail of *Edge-Hill* there happened diverſe other traveries of war 'twixt King and Parliament for about four years, in which revolution of time, there were more skirmiges and battails fought, then happened in thoſe laſt thirty years wars of *Germany*, or fourſcore years wars 'twixt *Spain* and *Holland*.

Polyander.

This ſhews that the Engliſh have ſtill the ſame old innated valour, that they had when they made the gray Gooſe wing fly through the heart of *France*, which made *Comines* one of their greateſt Authors to confeſs, that no *Nation is more greedy of battail, and more impatient of delayes that way then the Engliſh*, but how was it poſſible for the King to ſubſiſt ſo long conſidering the mighty advantages, the Parliament had of him?

Philanglus.

There were mighty advantages indeed; For they had all the *tenable* places, and Towns of ſtrength, both by Land and Sea. They had all the Navy Royal; They had the Tower of *London* with all the Ammunition and Arms of the Crown; They had the Impoſts and Cuſtoms, Poundage and

Tonnage, they had the Exchequer at their devotion, with the Revenues of King, Queen, and Prince; They had the City of *London*, which may be called the great Magazin of men and money, where there is a ready supply of all things that may feed, cloath, or make them gay and gallant, to put them in heart and resolution.

Polyander.

Then they had *Sea*, *City* and *Scot* on their side. But how came the *Scot* to be so against the King, or to levy Armes without his Commission, considering the late great Protestations and Oaths they had made not to do it, by reviving the Act of Parliament to that effect, which they said they did in recognition of those Royal recent favours, and unparalleld mighty Concessions and Acts of grace, which he had done them by their own Confessions?

Philanglus.

They were indeed mighty, or rather monstrous Acts of grace that he had passed unto them, which did so trench upon the Royal Prerogative, and so denude him of all power that it mought have been said of him ever after, that he was King of *Scotland*, no otherwise then he was King of *France*, titular only.

Polyander

Polyander.

How did the *Scots* expreſſe their thankfulneſſe to their King and Country-man afterwards for ſuch tranſcedant favours?

Philanglus.

They proved the greateſt Monſters of Ingratitude of any upon earth ſpecially the *Kirk-men* whom he had obliged in an extraordinary manner; For the King being informed of the mean condition of Churchmen in that Kingdom, who by their holy function have a care of the nobleſt part of man, and being told what poor pittances or rather benevolences one y they had and for thoſe alſo how they depended upon the will and pleaſure of the *Laic* By a ſpecial Commiſſion to that purpoſe, he found a way not onely to augment but to aſcertain thoſe Salaries of Church Miniſters upon good firm rent; whereby they might be free from that ſervile kind of Clientele and Dependency they had upon their ſecular Patrons.

Polyander.

Queſtionleſſe this was a mighty general advantage to the Clergy of *Scotland*, both in point of eſteem and ſubſiſtence, but what

returns did these royal favours receive?

Philanglus.

Those foolish Kirk men grew afterwards his greatest enemies by virulent seditious Preachments and Pasquils to corrupt and lessen the hearts of the Subjects towards him nay, when he made himself a Prisoner to the *Scots* Army at *Newark* and *Newcastle* those Kirk-men did so little resent his hard condition, that they did Preach up and down against his comming to *Scotland*, &c. Moreover,

Whereas, The common sort of Freeholders who were bound to pay Tithes to the Impropriation or Lords of the *Erection*, as they stil'd themselves, were us'd to be much incommoded, and oftentimes damnified, because they could not take in their Corn till the secular Lord had fetched away his Tithe, which he would sometimes delay of purpose, to shew his Passion or Power, whereby the whole Crop for not taking the advantage of the weather, oftimes did suffer: The King for relief of the Country Husbandman, appointed certain Commissioners to take this grievance into consideration, who after much pains taken in the business, found out a legal and indifferent way to purchase those Tithes

and

and bring the Impropriator to take a pecuniary ſet valuable Rent, which was alſo an advantage to *Him*, in regard of the certainty of it.

Polyander.

It was doubtleſſe an advantage to both parties, but how did they carry themſelves towards the King afterwards?

Philanglus.

Juſt as the Kirk-men did; But you ſhall hear more, when the King, as I told you before, had in a full Parliament confirm'd unto the *Scot* all the priviledges of Kirk and Kingdom, when he had made an oblation to them of all the Biſhops Lands, conferred many honours and offices, and done them many other obliging Acts of Grace, and all this *gratis*, the *Engliſh* Parliaments uſing alwaies to anſwer their Kings favours in this kind, with a ſupply of Treaſure, I ſay in having done all this *gratis*, He before his departure deſired them to continue their allegiance, and live in peace, for they had not now the leaſt grievance to complain of, and if any difference ſhould fall out betwixt him, and his *Engliſh* Subjects which he hoped God would avert, He deſir'd them not to intermeddle, for whereas he might expect and demand aid of *them* if the caſe requir'd, yet he would not trouble the repoſe of

of that his *Native* Countrey: This they all did not onely promise to do, but they did solemnly oblige their Souls thereunto by revival of the Act I told you of before, at the publishing whereof one of their Grandees fell on his knees, and lifting up both his Arms, wish'd they might rot to his body before death, if ever he would heave them up hereafter, or draw sword against his gid King; yet for all this they intruded themselves into the Kings affairs, convok'd a Parliament without his summons, sent Commissioners to *Oxford*, and thrust themselves to be *Umpires*: They made besides, a strict League with the English Parliament, and at last rush'd into *England* again with an Army in the dead of Winter, which Army they had levied not onely without, but expresly against the Kings Commission and Countermands; that wretch who had publickly vowed never to draw Sword again without his Majesties Commission, *&c.* comming General of the said Army: But for Martial exploits the little credit that Army got by storming *Newcastle* was not countervailable to that which they lost before *Hereford*, where the Welchmen bang'd them to some purpose from before the Town, and made their General after 9 weeks siege to truss up his pack and away, sending

ſending him a fat Sow with a Litter of Piggs after her, and a blew Bonnet upon her head for his Breakfaſt. I muſt inform you farther, that the King being reduced to much extremity in *Oxford*, by croſſe ſucceſſes and *Councils*, he got away in a Serving-mans diſguiſe to the *Scots* Army neer *Newark* as his laſt refuge, which plot was managed by the ſubtilety of the French Agent then reſiding here: A man would have thought that Nation would have deemed it an eternal honour to have their own King and Country man to throw himſelfe thus into their Armes, and repoſe ſo ſingular a confidence in them upon ſuch an exigent; But they correſponded not with him as he expacted; For though at firſt when the Engliſh Parliament ſollicited their *Dear Brethren* for a delivery of the Kings Perſon unto them, their note was then, that if any ſtranger Prince had put himſelfe ſo upon them, they could not with honour deliver him up, much leſs their own native King, yet they made a ſacrifice of him afterwards for a ſumme of money; Whereupon *Bellievre* the French Embaſſador being convoyed by a troop of *Scots* horſe to ſuch a ſtand, in lieu of larges to the ſaid Troopers, he drew out half a Crown piece, and asked them how many pence that was,

they

they answered thirty pence, he replied, for so much did *Judas* betray his Master, and so hurld them the half Crown.

Polyander.

But afterwards the *Scots* carried themselves bravely by sending a gay Army under D. *Hamilton* to assist the King.

Polyander.

Touching that *Presbyterian* Army, the bottom of its design is not known to this day, and I was told, that when the King heard of it, and that *Himilton* was in the head of it, he should say; *Then I expect but little good to be done for me.*

Polyander.

Certainly the routing of that Army, was a glorious exploit of the Lord Protector that now is, his forces not amounting to the third part of the *Scots.*

Philanglus.

It was certainly a very heroik Achivement, as also was the battail of *Dunbar*, where the Scots had greater advantages far of him: which two exploits deserve to be engraven in large Letters of Gold in the Temple

Temple of immortality, and transmitted to after ages; For hereby he did more then *Roman* Emperours, or after them, the *Saxon*, *Danish*, *Norman*, and *English* Kings could ever do, to conquer that craggy Country, and make *England Scot-free* ever hereafter.

But before I have done with this unlucky Nation; I will give you a touch of those visible Judgments which have fallen upon them so thick one upon the neck of another in few years more then fell upon the *Jews* in forty; First there happened the greatest plague in *Edenburgh*, that ever was in that Country, for in less then a twelvemonth, the Town was peopled with new faces, the Pestilence having swept away almost all the old: There have been above 2000 Witches arraigned and executed there within these few years: After the routing of D. *Hamilton*, and the battail of *Dunbar*, with that at *Worcester*, many thousands of that Nation have been bought and sold in quality of slaves to be banished, and sent over to forraign Plantations, what numbers of them were starved, and buried before they were dead; And what is now become of their hundred and ten Kings, and their Crown? which I heard them brag, was more weighty, as having more Gold in it

it then the Englisſh? and for their Government they are reduced to be as pure a ſubordinate providence, and ſubject to the will of the Conqueror as ever Country was.

Polyander.

I muſt tell you alſo that they have loſt much of their repute abroad; but if I were worthy to be heard by the Lord *Protector*, I would make a motion that his Highneſſe would take in at leaſt, all the Land 'twixt *Barwick* and *Edenburgh* into the *Engliſh* Pale, and impoſe a new name upon it for an Eternal mark of Conqueſt, and for enlarging the Skirts of *England*.

But Sir, it is time for you now under favour to return to *London*, and know what the Paraliment doth.

Philanglus.

There are all Artifices uſed to make the King odious, and both the Preſs and the Pulpit joyn in the work; new diſtinctions are coyned, that though he was *Gods Anynted*, yet he was *mans appointed*; That he had the *Commanding* but not the *Diſpoſing* power; That he was ſet to *Rule*, but not to *over rule us*: That he was King by *humane choice*, not by *Divine Charter*; That he was not King by the *Grace of God*, *but by the*

the ſuffrage of the people; That hee had no *implicit truſt or peculiar property in any thing*, that *populus eſt potior Rege*, that *Grex Lege*, *Lex Rege potentior*; That the King is, *ſingulis major*, but *univerſis minor*. Laſtly, that he was but a *Creature*, *and production of the Parliament*: &c.

Moreover all Artifices are uſed to raiſe money: The firſt way that the Parliament uſed (after a Royal Subſidy of 400000 *l.*) was to *poll* us, then they went on to *clip* and *ſhave* us, and had they continued longer, they had fallen a *flaying* of us: They lighted on no leſſe then twenty ſeverall ways to get money above board, whatſoever they got below. *Polemoney*, and the Royal Subſidy were the firſt two. 3. Free Loans and Contributions upon the publick Faith, which ſwelled to an incredible ſum, 4. The *Iriſh* Adventures for ſale of Lands. the firſt and ſecond time. 5. The generall Collection for relief of the diſtreſſed Proteſtants in *Ireland*, to which uſe the *Hollanders* ſent over in mony and Corn, neer upon 50000 *l.* and the *Engliſh* Collections came to neer four times ſo much, ſo that in all, both Collections amounted to above 200000 *l.* ſterling, and yet not ten thouſand pound, not the twentieth part was employed to the right uſe. 5. They grew ſo

hungry

hungry for money, that they impos'd the weekly meal. 6 The City Loan after the rate of five Subsidies. 7. A particular Assessement for bringing in our *dear Brethren*, the *Scots*. 8. The five and twentieth part. 9. The weekly Assessment for the Lord Generals Army. 10. The weekly Assessement for Sir *Tho. Fairfax* Army. 11. The weekly Assessement for the *Scots* Army. 12. The weekly Assessement for the British Army in *Ireland*. 13. The weekly Assessement for the Lord of *Manchesters* Army. 14. The Kings, Queens, and Princes Revenues. 15. Sequestrations and plunder by Committee. 16. Compositions with Delinquents, and fines, which came to sums passed all understanding 17. That *Dutch* Devil the Excise. 18. Fortification money. 19. Bishops Deans and Chapters Lands.

To this may be added the Ship *Sancta Clara*, valued in money and Merchandize at 800 o *l.* sterling, which was detain'd at *Southampton* for reparation of those damages that some *English* Merchants had received by the *Spaniard*, as it was declared in the *House*, but not a farthing thereof was imployed to that use, notwithstanding that many with expence of time and coin did solicit for the same; and lastly, the Houshold stuff of the King, Queen, Prince and others

others; whereof some small proportion was allotted for payment of the Arrears of the Kings poor Servants; but they were to advance two in the pound be fore-hand before they could be admitted to any Divident, and tis incredible what jugling there was used in that business, for some receaved nothing thereby but loss upon loss: Nay they took away moneys given to repair Churches, and in some places robb'd the very *Lazaretto*.

Polyander.

Sure, these vast sums must amount to a huge mass of money, money enough to have *purchas'd* half a dozen Kingdoms instead of purging one. Touching that *Dutch* Devill you speak of, the *Excise*, I remember Sir *Dudley Carleton* when he was Secretary of State did but name it in one Parliament, and it was such a Bugbear abominable word, that he was called to the Barr, and hardly escap'd going to the Tower, though he made use of it to no ill sense; But was there no account given of these publik Erogations and taxes?

Philanglus.

An account was often voted and promised, but never performed; for then they should

have discovered how much their own memberships had swallowed for their private interest of the publique Treasure, by free gifts among themselves, and the perquisites of gainfull offices.

Polyander.

But we heard beyond Sea, that they had passed a solemne Ordinance of *Agravila* or self-abnegation, called the *self denying Ordinance*, whereby they made themselves incapable of Offices, and other things of gain.

Philanglus.

'Tis true there was such an Ordinance, and 'twas thought it pass'd principally to remove *Essex* from the Generalship, whom they began to suspect, but nothing was afterward lesse observed.

Polyander.

I heard you speak of money's borrow'd upon *the publique Faith*, I pray how were those reimboursed?

Philanglus.

It was the first time that *publick Faith* did ever set up for herself, and she quickly grew to be a Bankrupt; And never was there such *double* dealing used by any publick Assembly. For

For when the Lenders upon that *publique Faith* came to demand their mony's, They could not have them, unleſs they doubled the firſt ſum, together with the intereſt they had received, and then they ſhould have the valu in Church or Crown Lands, but if they *doubled* not both intereſt and principall, they ſhould not be capable to have any Lands allowed for their mony's; Divers to my knowledge have ruin'd themſelves hereby, and though they clamor'd, and ſpoak high language at the Parliaments dore, and were promiſed ſatisfaction, yet they could not get peny to this day.

Poliander.

I heard this cry'd up abroad to be the arrand'ſt Cheat that ever was done by a great Counſel, and one of the fouleſt blemiſhes that *England* cold receave, by making her *forefeit* her *faith* in that manner.

Fides publica,
Fides Punica.

I heard likewiſe of divers Interlopers, that for half a crown in the pound were uſed to buy the publique Faith Bills, as others drive on a trade to buy the Soldiers Debentures.

But whereas we have ſpoke a little of that *Dutch* Devil the *Exciſe*, we heard abroad of a *Scotch* Devil alſo, though of an other nature, that was riſen up amongſt you, which was the *Covenant*; I pray how was he conjur'd up?

Philanglus.

That *Covenant* was conjur'd up by the Presbyterian party, and may be called a worſe Devill than the Exciſe for the one tyranniz'd o're the Purſs, the other ore the Conſcience: But what an unmanly and diſhonorable thing was it for the *Engliſh* Nation to bind their ſouls for conſerving the Religion of another foren people inferior to them; for conſerving the Doctrine, Diſciplin, and Government of that Church which not one *Engliſh* man in a thouſand did underſtand, and yet every one muſt take the holy Covenant by a blind implicit Faith? But now that we have fallen upon the *Covenant* which may be ſaid to be an Engin forg'd in Hell for battry of the Conſcience, I will tell you of an odd paſſage that happend about that time; There was one Matter *Heron* a Printer, who being ſent for by the Lady *Tilbury*, ſhe told him that now that there is a Nationall Covenant come forth, which every one muſt taſte, ſhe had a Sermon in a fair manuſcript

manuſcript of that great light of the Church Maſter *Brightman* which treats of *univerſall Covenants*, how far they are agreeable to Scripture, and conſonant to the Word of God, and it had bin preached before the Houſe of Commons thirty yeers before, therefore it would be now very ſeaſonable to print and publiſh it; The Printer giving her Ladyſhip many thanks, received the Sermon, (which ſhe avouched upon her honour to be a *true* Copy) and undertook the buſineſs, ſo he went to him who was appointed by the *Synod* to licence for the Preſs pieces of that nature, to get an *Imprematur*, but the *Syodod call* man having kept the Sermon above three dayes by him, the Printer went for his Sermon and found it formally licenc'd for the Preſs, but moſt pittifully *falſified*, *interlined* and *adulterated* in many places; For whereas the opinion of *Brightman* throughout the whole Sermon, was, That a Nationall and Generall Covenant was agreeable to the Word of God, Provided, *the King did give his Royall aſſent thereunto, without which it was both deteſtable and damnable*; The *holy Synodicall* man had expung'd the word *King* every where, and foiſted in the room of it, ſometimes the word *Parliament*, ſometimes the *Truſtees of the Common wealth*; The

Printer having peruſ'd the interlinations told him, that were he to get 1000 *l.* by printing that Sermon, he would not be ſo arrand a Knave as to wrong the Dead ſo much, by making him ſpeak what he never meant, nay things quite contrary to his meaning; I ſaw the ſaid Sermon, and the manner how it was ſo baſely ſophiſticated.

Polyander.

There was another Oath conſiſting all of Negatives, called the Oath of *Abjuration*, which I alſo heard of, that came out about the ſame time, which extended to take away the liberty of the very *thought*, it did not only reach the outward man, but it ranſack'd all the Cells of his brain, with the intern *Ideas* and cogitations of his mind.

Philanglus.

Truly, under favour, and correction, I humbly ſpeak it, there is a kind of inhumanity, and ἀλογία in that *Oath*; for all Laws are made, and all Magiſtrates are inſtituted to reſtrain the *outward* man, and regulat his Actions, as they refer to the public; for it matters not what private crochets we have in our ſingle ſelfs, ſo we be in comfort and tune with our Companions; The Law conſiders us as we have reference one

one to another, and to the body politic, therefore it neither uſeth to limit our private ſpendings, nor ties us to any cours of diet or Phyſick, becauſe our ſingle fortunes, and health, though they mightily concern our ſelves, yet they are but of little importance to the publique; And as every one enjoyes this liberty in relation to his body, and goods, ſo our *ſouls* ought to be allow'd a proportionable ſhare of that freedom, ſo that it give no ſcandall to the publique.

Our *thoughts*, as long as we keep them within dores, cannot any way offend therefore the Law hath provided no puniſhment for them; The intention of Murther is taken no notice of by the Law, if the deſign of miſchief ſtay at the imagination, and proceeds no further to any outward attempt, The Law referrs that to the great Tribunal of God who is the only *Kardiognoſtic*, the ſole ſearcher of the heart; If a Law were juſtifiable againſt erroneous Thoughts in points of Religion, with an Oath of *Abjuration* to make the ſuſpected accuſe himſelf, why (as a Gentleman doth rationally inferr) ſhould there not an Oath be alſo provided againſt *thoughts* of *Treſon*, *Adultery* and *Murther?* and ſo bring every one to ſwear whether he be guilty or no of ſuch crimes. Now, touching this *Presbyte-*

rian Oath of *Abjuration*, it is not contented with a modeſt, and ſimple deniall, that one *believes* there are no ſuch and ſuch things, but he muſt ſwear poſitively and point blank there *are* no ſuch things at all; Now, though I am not of the ſame opinion with *Copernicus* that the *Earth moves*, and the *Sun ſtands ſtill*, yet I would be loth to *ſwear* either the one or the other.

Polyander.

I obſerve that this Oath hath a double edg, for either it muſt *wrong one's Conſcience, or ruine his fortunes*; beſides he is condemn'd without either *Accuſer* or *Witneſs*, the party himſelf muſt be *both* againſt himſelf, and what can be more repugnant to nature?

Philanglus.

It is not only oppoſit to the Law of *Nature*, but the *Common* Law of *England* doth ſo abhor that any ſhold accuſe and condemn himſelf, that there were extraordinary proviſions made againſt it by our Progenitors, Therefore if any had bin cited in the *Spirituall* Court to accuſe himſelf *pro ſalute animæ*, a *Prohibition* lay at the *Common Law* to ſtop and ſuperſede their proceedings: All which is humbly left to the conſideration of the preſent Government.

Polyander.

Polyander.

I infer out of this, that if the *Presbyterian* had eſtabliſhed himſelf he had proved the ugleſt tyrant that ever was on Gods Earth, if you relate to Soul, Body, or goods, in lieu of 26 *Biſhops*, we ſhould have had nine thouſand and odd *Popes*, who would have *delivered us over to Satan* ever and anon, and puzzeled us with their Parochial, Congregational, and National Claſſes. But I cannot wonder enough that the House of Commons ſhold ſo buſy themſelves ſo much, and undertake to frame, and impoſe new Oaths, when by the Law of the Land they had not power as much as to adminiſter an old Oath to the meaneſt Subject; And touching that *Covenant*, what could be more oppoſit unto their former Oath? for therein they offered their Souls *to preſerve that Religion which was eſtabliſhed by the Laws of England*, and in the *Covenant* they bind themſelves, *to conſerve that which was eſtabliſhed by the Laws of Scotland*, and to that purpoſe they may be ſaid to offer to *God* for their ſecurity to *Satan*; Moreover, thoſe *Demogogs* or popular *Dagons*, though they were ſo forward to conſtrain all other of their fellow Subjects to take and ſwallow up any Oaths, yet two

parts

parts of three among themselves did not take them, as I have been often told.

But Sir, now that you have been pleased to inform me of their carriage in *Spirituall* things, how did they comport themselves in *Civill* matters, after they had monopolized unto themselves all power by the Act of Continuance?

Philanglus.

First I must tell you, that touching that monstrous Act, the soundest Lawyers of the Kingdome were of opinion, that it was of no validity, that it was void in it self, in regard that what grants or concessions soever the King makes, the Law presupposeth, they are alwayes made with these Proviso's, *Salvo jure Regio, salvo jure Coronæ*; now it was impossible that any grant could possibly trench more upon the Right of the King or Crown, as that extravagant Act of Continuance, therefore it was nul in its own nature at the first; nay, as some affirmed, the very *Proposall* of it was Treson in a high degree.

But having hooked the power thus into their hands, they strained it up to the highest pitch that could be; They made themselves Land-Lords of al the three Kingdoms, it was a common thing to take any man, houses

house over his head, and make use of it for their service; They meddled with every thing, so far, that scarce a Church-warden or Vestry-man could be made without them, they would have a hand in making common Counsel men, and Constables, with other petty Officers.

Polyander.

Me thinks that was somewhat derogatory to the supremacy of their power, for great Counsels should not descend to every petty object, but with their high authority they should enlarge their souls to consider of Universals.

Philanglus.

I could produce many Instances how they undervalued themselves this way, but let this one suffice. It happened one day that a company of ramping wenches, who went under the name of *Mayds*, or Holy Sisters, came with a Remonstrance to shew their affections to the House, and they were *headed* by Mrs. *Ann Stagg* who was to deliver the Remonstrance; hereupon a choise member was voted to go to Mrs. *Ann Staggs* lodging, to thank her and the rest of the maydens for their good affections to the Parliament, &c.

But

But to be more serious with you, touching *civill* matters, whereof you give a touch before, there was nothing so Common in those times as *a charge without an Accuser, a sentence without a Judge, and condemnation without hearing:* How many were outed of their freeholds, liberty and livelihoods before any examination, much le se conviction? how many appeals were made from solemne tribunalls of Justice to inferior Committes? how common a thing was it to make an order of theirs to control and suspend the very fundamental Laws of the Land?

Polyander.

But this was in the brunt of the War, which the King did necessitate them unto, as he acknowledged in the Treaty at the Isle of *Wight.*

Philanglus.

'Tis true he did so, but he did it upon two weighty considerations, and as it had reference to two ends, first to smoothen things thereby, and pave the way to a happy peace: Secondly, that it might conduce to the further security of the two Houses of Parliament with their Adherents: Besides he did it when the Razor was as it were

were at his throat, when there was an Army of above 30000 effectif Horse and foot, that were in motion against him; Then, this *Acknowledgment* was made, with these two proviso's and reservations; First, that it should be of no vertu and validity at all till the whole Treaty were totally consummated; Secondly, that he might when he pleased enlarge, and cleer the truth hereof with the reservedness of his meaning by publique Declaration; Moreover, *That* Grant or Acknowledgment was but a preambular proposition it was not of the Essence of the Treaty it self; Now, as the Philosophers and School-men tell us, there is no valid proof can be drawn out of *Proems*, Introductions, or Corollaries in any Science, but out of the positive Assertions, and body of the Text, which is only argument-proof, so in the Constitutions & Laws of *England*, as also in all civill accusations and charges, fore-running Prefaces (which commonly weak causes most want) are not pleadable. And though they use to be first in place, like Gentlemen Ushers, yet are they last in dignity, and should also be so in framings; Therefore there was too much hast used by the Parliament to draw that *Hypothetic* Provisional concession to the form of an Act, so suddenly before the Treaty it self was fully concluded.

Polyander.

Polyander.

But who was the first Aggressor of that ugly War, the King or the Parliament?

Philanglus.

I will not presume to determin that, only I will inform you, that the Parliament took the first Military gard; they first interdicted trade: They countenanced all tumultuous Riots, gave way to *Club*-law, and They kept the King by force out of *Hull*, issued Commissions for Horse, brought in foren force, and had a compleat Army in motion, a good while before the *Royall* Standard was set up.

Polyander.

I remember a witty Motto that the last French Cardinal caused to be engraven upon the brich of some new Canons which were cast in the *Arsenall* at *Paris*, it was

——*KATIO ULTIMA REGUM.*

Viz. That the *Canon* was the last reason of *Kings*.

But whether this Motto may fit *Subjects*, I will not now dispute.

But sure the King was ill advised so to rush

ruſh into a War, conſidering what infinite advantages the *Houſes* had of him, for as you ſay'd before, they had the *Sea*, the *Scot*, and the *City* on their ſide; and the King had no Confederate at all at home or abroad; I am ſure he had no friend abroad that one might ſay was a true friend unto him, unleſs it was the Prince of *Orange*, in regard he had diſobliged all other Princes: For you know, as ſoon as he came to the Crown, he ruſhed into a War with the King of *Spain*, and in lieu of making him his *Brother in Law* he made him his *foe*, which ſtuck ſtill in his ſtomach; as alſo that he had given ſo fair a reception to the Ambaſſadors of *Don Juan de Braganza* now King of *Portugall*. A little after he broke with the *French* King, Notwithſtanding that he had his Sister every night in his Arms; The *Hollanders* gave out that he had appeard more for the *Spaniard* than *Them*, in that great fight with *Don Antonio d'Oquendo*; and that he ſuffer'd his own ſhips and others to convey the King of *Spains* mony to *Dunkerke*. He was ingag'd to his Oncle the K. of *Denmark* in great old ſums, whereof there was little care taken to give ſatisfaction; the *Iriſh* cryed out, They had bin oppreſſed; The *Swed* obſerved that he was more for the Houſe of *Auſtria*, than for

Guſtavus

Gustavus Adolphus; And at home I have been told that the *Irish* cryed out he had bin oppressed; And the *Scot* whom he had obliged most of any by such Mountains of favours, with divers of his own Creatures, and domestic bosome servants whom he had engaged most, started aside from him like a broken bow, so that all things did co-operat and conspir'd as it were to make him a *hard-Fated* Prince, and to usher in a Revolution.

Philanglus.

Yet I heard that all Princes were very sensible of his fall.

Polyander.

T'is true, they did must resent it at first, yet they were affected rather with *Astonishment* then *sorrow*; And touching the *Roman* Catholique Princes they did afterwards rejoyce at it, considering what a blemish the manner of his death brought upon the *Reformed* Religion; but Sir I pray be pleased to proceed.

Philanglus.

The Sophies, or Gran signo'rs of the Common-wealth, whereof we spoke before, screwed up their authority every day higher and higher, They declare, that an Ordinance

nance of Parliament without the Royal aſſent is equivalent to an Act; They declare, that not onely the conſultative, miniſterial, and directive power is in them, but alſo the Judicatory, Deſpotical, and *Legiſlative* higheſt power is inherent in the Walls of their two Houſes; That their power is alſo Arbitrary, *Ubiquitary* and incontrolable; That they are not ſubject to Diſſolution or Time, being the eternal and irrevocable Truſtees of the Commonwealth, with ſuch *Rodomontado's* which made one to think that a Mid-ſummer Moon had got betwixt them, and therefore thought this Anagram a very fit one to be ſet upon the dore of the Houſe, with the diſtic annexed,

: *Parliamentum*,
Lar Amentium.

Fronte rogas iſto P. *cur Anagrammate non ſit,*
In promptu cauſa eſt, Principem *abeſſe ſcias.*

Polyander.

They who have pryed into the true humour of a *Portugnez*, have obſerv'd, that He uſeth to act more according to what hee *thinks* himſelf to be, then what he *really is*, It ſeems that theſe Parliamenteers were poſ-

ſeſs'd and puffed up with the ſame humour; But if the ſupream power were in an Aſſembly, when that Aſſembly is riſen, I wonder what's become of the power, ſure it muſt reſt in the air, or ſticking to the Walls of the Chamber where they breath'd. Now Sir, touching *long* Parliaments, I am of opinion, it is the greateſt and generalleſt grievance that can be poſſibly to the Engliſh people, by reaſon that beſides other irregularities, it ſtops the ordinary courſe of Law, in regard of the priviledge they have, not to *be ſubject to arreſt* with others to whom they give protection, now not one in four of that long Parliament men, but ow'd money, and what uſe Sir *Peter T.* and others made of that priviledge, to the detriment of a thouſand poor Creditors, is too well known: And were ſuch men, think you, fit to keep the Kingdomes Purſe in their Pockets ſo long? but having got the Great Seal, as well as the Sword into their hands, what ſignal Acts of Juſtice did they do?

Philanglus.

'Tis true they had got the *Seal* and *Sword*, which the Law of *England* doth appropriate to the *chiefeſt Magiſtrate*, the one ſhould be girt onely to his ſide, and the other hang at his Girdle; And it was told them

them to their faces by the knowingeſt Members in the Houſe, that to cut a broad Seale of *England* was the higheſt reaſon that poſſibly could be attempted, without the aſſent of the *Governor in chief*. Now Sir touching any ſignal Act of Juſtice they ever did, I am to ſeek to this day; but for horrid acts and paſſages of injuſtice, I think there could be produced a thouſand clear, and *yet trying* examples (which would make a greater volume then the Book of *Martyrs*.) I mean Acts that were done before the wars begun, and after it was ended, which takes away the ſpecious colour of *neceſſity* wherewith they varniſhed all their exceſſes and actions.

I will inſtance onely in two (for this was intended for a ſhort diſcourſe, not for a ſtory) *viz.* The buſineſs of the Lord *Craven*, and Sir *John Stawel*: the firſt a perſonage who is a great ornament to this Nation by his gallant comportments beyond the Seas, the other one of the conſiderableſt Knights in the whole Country.

Touching the Lord *Craven*, he went with conſent of *Parliament* to his charge in the Low Countries, not onely before the War, but before any diſcontentment happened at all 'twixt King and Parliament, and being attending his ſaid military charge at *Breda* when the King of *Scots* came thither, and

the Queen of *Bohemia* being alſo there, he could not avoid ſeeing them ſometimes; nor was there any Order or Act of Parliament to prohibit any body from doing ſo; but for intermedling with any affairs of State, or mixing with the *Scots* Council, he never did it; At that time there happened to be in *Breda*, many caſhiered Engliſh Officers, and among them one *Faulkner*, who having a Petition drawn, and written all with his own hand, the pourport whereof onely was, that the King would *releeve their neceſſities*; they deſired the interceſſion of my Lord *Craven* herein. but he with a civil Compliment declined the buſineſs, for he was not fit to do them ſervice, becauſe, as he ſaid, he was neither Courtier nor Servant to the King. Hereupon *Faulkner* being offended, both with King and *Craven*, in a paſſion ſaid (as 'twas proved) *This it is to follow a thing called King, damme, I'le to England and do all the miſchiefe I can*; Being come to *London* he forg'd *another* Petition, wherein there were ſcandalous words againſt the Parliament, *viz.* That they were *barbarous inhumane villains*. Then going with a Confident of the Parliaments who fed him with Money to go on in his deſign, He made an Affidavit upon Oath, that the foremention'd Officers at *Breda* ſhewed this very Petition to the

the Lord *Craven*, who read it, and delivered it to the King, (both which was damnably falſe) As ſoon as this Depoſition was reported to the Houſe, they preſently voted a Confiſcation of all the Lord *Cravens* Eſtate; He being then neer upon a thouſand miles off in *Germany*, and no ſoul appearing for him, nor could any on his behalfe procure a Copy of *Faulkners* depoſition: *Craven* having notice herof, he ſent a moſt humble Petition to the Parliament, declaring his innocence, which Petition was ſent in the *Dutch* Ambaſſadours Packet, who delivered it accordingly; but it was denied to be read in the Houſe, becauſe there was none preſent, who could teſtifie they did ſee the Lord *Craven* ſubſcribe it; He ſent afterwards another Petition, but it was ſeven Months before it could be read in the Houſe; In the mean time his eſtate had been ſequeſtred, his woods cut down, and other ſpoils done; His Agents here to invalidate the Affidavit of *Faulkner* indited him of Perjury, which was clearly proved in open Court, and the original Petition was produced, which was written by *Faulkner* himſelfe, wherein there was not one ſyllable that ſpoke of the Parliament; There was legal prooſe alſo made that *Craven* had nothing to do with that Petition; This Inditement of perjury

being found againſt *Faulkner* by the grand Jury, the Parliament was informed therewith, yet neretheleſs a Bill paſſed for ſale of the Lord *Cravens* Eſtate, and Surveyors ſent accordingly to the Country; *Faulkner* being thus convicted of Perjury, it was prov'd alſo in Court what a nefarious Atheiſtical, and moſt wicked fellow he was both in his words and actions, how he had nothing more common in his mouth, then *dam me, blood and wounds, and buggering of his Soul to Hell*: It was proved that at *Petersfield* he *drank a health to the Divel*, and that he ſhould ſay our *Saviour was a Baſtard, and but a Carpenters ſon, carrying a basket of tools after his Father*; The Parliament was acquainted with all this, and divers earnest and ſedulous applications that poſſibly could be made, were uſed, but nothing would prevail.

The Lord *Craven* finding the Houſe ſo inexorable and obdurate, rather then ſo fair an Eſtate ſhould bee canoniz'd and ſquandred into ſo many hands, he propoſed by way of humble Petition, that the Houſe would puniſh him by way of pecuniary *mulct*, and there were two able Knights attending the Door ready to undertake the payment thereof, which motion the Lord *General*, now Lord *Protector*, did moſt nobly advance:

vance: yet all would not do, but the Surveys of the Estate being return'd, the Bill of Sale was compleated, and some of the *Members* of the House stepp'd in with the first to buy the flour of his Lands, to the value of 6000 *l. per annum*, as appears by the contracts made at *Drury* House in their own names: That goodly house at *Causam* near *Redding* being in excellent repair, was bought by some, who for greedy lucre and gain utterly defac'd it, they pull'd down the Wainscot, Stair-cases, Lead, Iron, and all other materials about the House, which had cost above 20000 *l.* yet they gave the Commonwealth, but little above 1500 *l* in monies for it, the price of Debentets therein also included.

Polyander.

Truly Sir, it was one of the hardest peeces of injustice I ever heard of, that such a Princely Estate (for I heard by divers, that had the Lord *Craven* injoy'd it to this day, it would have amounted to above 20000 *l. per annum*) a Revenue that I know some *Soveraign* Princes come short of; I say it was a sad thing, that by the single testimony of one man, and he such a perjur'd notorious villain as it was apparently proved, such an Estate should be destroy'd.

Philanglus.

A ſad thing indeed, but beſides thoſe pregnant proofs which were produc'd and made good in open Court, that abhominable wretch, being lately upon his death bed in the Kings Bench, confeſs'd all under his hand and what monſtrous wrong he had done the Lord *Craven*.

But I will proceed now to the other Inſtance I promis'd you.

The unlucky War 'twixt King and Parliament being begun about the Commiſſion of Array, the City of *Exceter* was beleaguer'd by Sir *T. Fairfax*, which at laſt rendred her ſelf upon Article; it chanc'd Sir *Jo. Sawel* was then in the Town; A full agreement being made, the Capitulations ſign'd and ſeal'd, and the place yeelded, Sir *John* came to *London* in due time to reap the benefit of the Articles which were ſolemnly confirm'd and ratified by both Houſes of Parliament: Now, two of thoſe Articles were, that no *Oath, Covenant, Proteſtation or Subſcription ſhould be impos'd upon any perſon compriz'd within thoſe Articles, but onely ſuch as ſhould bind them from bearing Arms for the future againſt the Parliament.*

2. *That*

2. *That all persons compriz'd in those Articles, having made such a subscription should be admitted to a moderate Composition, which was not to exceed two yeers value of any mans real estate, &c.*

Sir *John Stawel* having subscrib'd accordingly, and brought a Copy of his Subscription, as also a fair Certificate from Sir *Tho. Fairfax* that he was compriz'd in *Exon* Articles, made his addresse to *Goldsmiths* Hall, and producing the said Certificate and Subscription, He Petition'd that hee might be admitted to compound according to Article; The Commissioners answered, that hee was not capable of Composition unlesse he would take the *Covenant*, and Negative Oath, whereunto he modestly repli'd, that there was no Article for that, but rather *è contrario*; whereupon hee was not onely barr'd of his Composition, but he was sent Prisoner to *Ely* house; Afterwards by the *sole* order of the House of Commons, he was committed to *Newgate* for high Treason, in levying War against the Parliament, where he continued almost four yeers, in which time, he was several times indited of Treason, and twice arraign'd at the K. Bench Bar for his life; Then was he remov'd from *Newgate* to the *Tower* and kept close Prisoner, whence hee was several times convented

vented before the High *Court of Justice*, which had been newly erected who after many daies trial would neither *sentence* him, nor *acquit* him, but onely certified their proceedings to the Parliament.

Now Sir, you must know, that presently upon the taking of *Exceter*, his whole estate was sequestred, and continuing so above 7 years, he being not allow'd a peny to put bread in his mouth, hee visibly lost above 30000 *l.* which he humbly prayed might satisfie for his Composition, which would not have amounted to the sixth part so much according to Article; He was not onely denied that, but a *nigrum Theta* a black Bill was voted for selling away his whole Estate: A little after, an *Act* being passed, and Commissioners appointed for the *relief of Prisoners upon Articles* in time of War, Sir *John* made his addresses unto them. and after above ten moneths debate of the business, the whole Court (consisting of eight Commissioners) delivered their opinions cleerly, that Sir *John Stawel* was within the Articles of *Exon*, that he had not broken any of those Articles ever since, but exactly observ'd and perform'd them, that consequently Hee was not onely to have his person unmolested, and his whole Estate *restored him*, but to have *satisfaction* for the great

great losses he had received while his Estate lay under Sequestration, *&c.*

This clear and positive Judgement being pronounced solemnly by the Court of Articles, and the *Demurres* which the Trustees appointed to sell forfeited Estates, and the Pourchasers of Sir *John Stawels* Lands had made, being *over ruled*, yet the Parliament resumed the business, reversed the sentence of that Court they themselves had Authorized, and Voted that the Pourchasers should quietly enjoy and occupy according to their several Contracts, what they had bought of Sir *John Stawels* Estate.

Polyander.

Good Lord, what a world of hardships did that noble Knight undergo, as to be so tossed from Prison to Prison, from Bar to Bar, yet to be found guilty no where, but to be pronounced *Rectus incurix*, nevertheless, to have a sentence of *Civil death* pronounced against him, *viz.* the loss of so fair and noble an Estate as any in the west of *England*, by the mischievous practice of a *Member* of the House, who, as I heard professed most friendship unto him! But was there no more care to observe Articles of War which is held a sacred thing among Pagans and Infidels? The *Turk* and *Tartar*,

in

in this point will keep faith with the *Sword* as well as with the *Cimiter*, with the *Hat* as well as with the Turban or Shash.

Philanglus.

Herein a difference may be said to have been 'twixt *Generals*, for the *Presbyterian* Generals did not much care how their Articles were broke or kept; but his Highness who is now Lord *Protector*, was very carefull for the observation of what Articles he made, and clash'd about it more then once with the Parliament.

Polyander.

Truely Sir, you have related many horrid things, which might make the Word *Parliament* merit the same *fate* that befel *Tyrant*, *Sophister*, and others, which were good in their first institution, but afterwards came to be odious and reproachful, and will continue so to the worlds end. But 'tis much that the *Parliament* which should be the great *Physitian* of the Common wealth should become such a *Mountebank*, that in lieu of making up the ruptures 'twixt King and people, and closing the *leaks* in the great *Vessell* of the *State*. they should cause more, that like *Banbury* Tinkers in lieu of stopping one hole they should make two.

There

There is a saying, that *Infæliciter ægrotat cui plus mali venit a medico, quam à morbo*; That Patient is in a sad case, who receives more hurt from the *Physitian* then from the Disease; more mischief from the remedy then from the malady; tis better for one to endure a little head-ach, then to have his pate broken.

Philanglus.

There breaths not a soule *Inter quatuor maria*, betwixt *Englands* foure Seas, who hath a more *venerable* opinion of Parliaments then I, having had the honour to have been a good while a small part thereof; They were used to be the *bulwark of our liberties, the main banks and boundaries which kept us from slavery, from the inundation of Arbitrary Rule, and unbounded Will-Government*; This high superintendent Court at its first Constitution was used to be compared to the *Macrocosm* the Great World it self; The *Soveraign Magistrate* was compared to the *Sun*, the *Nobles* to the fixed *Stars*, the *Judges* & other Officers who went with Messages 'twixt both Houses, to the *Planets*, the *Clergy* to the Element of *Fire*, the *Commons* to the solid Mass of *Earth*; And as the Heavenly bodies when three of them meet in Conjunction, use to produce some

some admirable effects in the Great world, so when the *three States* did use to convene and assemble in one solemn *Junta*, some notable and extraordinary things were used to be brought forth tending to the wellfare of the whole Kingdom.

Now, there were three essential properties that belonged to Parliament, *viz. fairness of Election, fulness of Members, and freedom of Speech:* 'Tis too well known how little of all three were found in the late long Parliament, specially the last, to wit, *liberty of speech.* For none was permitted to speak, unless he spoke still to the *sense of the House, to the sense of the House*, which was a pure restraint; what a deale of time was spent in bandying of answers in Remonstrances, in Replies, Rejoynders, and descanting upon words? so that the first 16. months were spent meerly in chopping Logick with the King, and nothing at all done; For *fulness of Members*, they were purg'd at last very low, so that there was scarce the tenth part of what they should have been in number. The King offered to give them a little purge of five or six Drams, but it was furiously cast away, because there was too much *Basilicon* in it. Then there was a purge of *eleven* drams given them, wherein there was some *unguentum Armarium* that cures a far

far off, which made ſome of them to flie t'other ſide of the Sea, where one *Member*, as ſoon as he put foot on ſhore, fell ſick of the Plague, and ſo was buried no better then in the Town ditch, becauſe he had firſt infected the place; At laſt they had a good ſound purge, as big as a drench adminiſtred them, which purg'd away above a hundred Members at once; yet all this would not do, for ſome Members were grown ſo corrupt and putrid, that nothing could cure the Houſe but an utter *Diſſolution*, according to the old ſaying,

——— *Immedicabile vulnus*
Enſe recidendum ———

Which great Diſſolution was made *without one tear, or drop of bloud*, as the *Portugal* Embaſſadour ſent word to *Lisbon*; for *England* had been long weary of her *Phyſicians*, who had they continued longer, might have made Her ſay as *Alexander* the Great did on his death bed, *Perii Turba Medicorum*, I die of too many Phyſicians.

Polyander.

Touching *fullneſſe of Members* I heard it cenſur'd by ſome Criticks beyond the Seas, for a Solæciſm in the *Engliſh* Government, that

that they are so many, but specially that the *Burgesses* should exceed the *Knights*; you know *Trop gran nombre est incombre*, Too great a number Ushers in nothing but Confusion encombrances, and noise, which oftentimes was so extreamly loud and obstreperous among them, that as I was told they were heard at *Lambeth*, there could not be a greater among the Oister women at *Billings-Gate*. Now Sir, there may be Tyranny in *One*, in a *Few*, and in *many*; In *one*, as in the Great *Turk* (and indeed all the Eastern Emperors) who with his breath alone, without any legal processe, can take any ones life away, and is sole Propriator of the whole Country, insomuch that the best man in Turky cannot leave one foot of land as an inheritance to his Son, but it reverts to the Grand Signior.

Secondly, There may be Tyranny in *few*, as in the thirty men of *Athens*, or in some Privy Councel of State.

Lastly, there may be Tyranny in *many*, as in some general great Convention or popular Assembly, and this is the worst of all, it being a rule, that *Plebs est pessimus Tyrannus.*

Philanglus.

Philanglus.

The late *long* Parliament degenerated to ſuch a one, whereof thouſands of inſtances might be produc'd; Let this one ſerve at preſent; The Army had occaſion to make their addreſs to the Houſe, upon a buſineſs of a juſt and general concernment; But the Grandees of the Houſe anſwer'd, *That if they ſhould read thoſe demands, they might chance to find them of that nature, as they could not with juſtice deny them, nor with honour grant them,* &c. But herein they ſhew'd themſelves but poor Politicians; for you know it is a true Rule - *Arma tenenti, Omnia dat qui juſta negat.* And was it not time then for the Army to think of diſmiſſing their Memberſhips? But the truth is, that if you go to the right rule of Parliament, they had diſſolv'd themſelves I cannot tell how often before; for beſides that the Original Writ from whence they deriv'd their power was void by the Kings death, how often did they riſe up in confuſion, without adjourning the Houſe? How oft did they ſit without a Speaker, he being fled to the Army? How many hundred ways did they break their own Priviledges? What things did they do which they voted ſhould not ſerve for Preſidents hereafter? As *Strafford*'s death, and

ſitting on Sunday, *&c.* How many Bills were reſum'd. being twice ejected out of the Houſe of Peers? as thoſe againſt *Biſhops*, and touching the *Militia*, &c. yet were they taken into debate again the ſame *Seſſion*, which is point blank againſt the very fundadamentals of Parliament: How many thouſand Petitions (ſome whereof were recommended by the Lords) lay mouldring in corners, and were never ſo much as read in the Houſe? And was it not high time think you to quell this *Monſter*? or rather, to pull down this *Idol*? Truly this great prudential act of ſhutting up that Houſe, and the barring up of that cold Poſtern door in the *North*, may well take place among thoſe many mighty things his *Highneſs* hath done.

Polyander.

They are mighty things indeed, and they are marvellous in our eyes; Nor do theſe *Iſles* only, but every corner of the habitable Earth ring thereof: nay the Sea ſwells high with the breath of them. *England* may be ſaid to be heretofore like an animal that knew not her own ſtrength; ſhe is now better acquainted with her ſelf; for in point of *Power* and *Treaſure*, ſhe did never appear ſo high both at home and abroad, as you ſaid before: This makes *France* to cringe unto her

her so much; This makes *Spain* to offer her peace with Indian Patacons upon any terms: This makes the *Hollander* to dash his Colours, and vail his Bonnet so low unto her; This makes the *Italian* Princes, and all other States that have any thing to do with the *Sea*, to court her so much; Though the Emperor and the *Mediterranean* Princes of *Germany*, whom she cannot reach from her Gun-rooms care not much for her.

Now Sir among those many Heroick and difficult exploits of divers kinds which his Highness hath performed there is one Act (humbly under favour) may well become the greatness of his spirit; It is, to reach a timely hand for preserving the stately Temple of *Pauls* from tumbling down, and from being *buried* in her own *rubbish*; a Temple which hath above a thousand yeers tugg'd with the fury of the Elements, and the iron teeth of *Time*; the goodliest pile of stones in the world, take all *dimensions* together.

'Tis also the greatest and most visible ornament of this Renowned City, who would look bald, and as it were crest-fall'n without her; a Temple that hath this singularity above all others, as to be founded upon *Faith*, having a spacious Church of that *Name* underneath to serve and support her. I remember it was observ'd how in that disastrous ex-

pedition to the Isle of *Rhe*, the great stones which were design'd to repair *Pauls*, were carried away to make Ballast for Ships. and for other warlike uses in that service, which made some judicious Critiques of those times to foretel the unlucky and inglorious return we made thence. Some giddy heady Puritan in reading this, will presently shoot his bolt, and cry out, that I have a Pope in my belly, but you know my Intellectuals better.

Philanglus.

I know well Sir, your principles are otherwise; but I concur with you in opinion, that it would be a very glorious thing to atchieve such a work, and one moneths Tax or two would do it; or if his Highness would give way, that a general contribution might be made to that purpose; Other vast sums are daylie spent, but little or nothing appears of them afterwards in point of effect; Those monies that would be employ'd in this, will leave something behind them, *viz.* a glorious visible monument to all posterity, which will make after ages to bless these times.

Polyander.

Such a Monument would suit well with the grandeur of his Highness, whom all Nations cry up for the *Hero* of the times, and a spe-

ſpecial inſtrument deſign'd for great actions, He would gain the applauſe of millions of ſouls hereby, both at home and abroad, where I have heard divers, who are far from thinking any *inherent* holineſs to lodge in ſtones or inanimate things, I ſay, I have heard divers of the Reformed Churches ſadly complain, that *Pauls* in the caſe it is, is the ruthfull'ſt ſpectacle upon earth; But now Sir, I take leave to give you ſerious thanks for the elaborate Relation you have been pleas'd to make me of the proceedings of that long Parliament, which in lieu of redreſſing grievances, became it ſelf at laſt the greateſt grievance. As alſo of the practiſe and modeſty of Parliaments in former times, who declin'd high affairs of *State*, ſpecially forraign, much more to arrogate to themſelves the *Supreme* Power; for *Soveraignty* may be ſaid to be an *indiviſible* way, deriv'd and darted from the *Divine* Majeſty it ſelf, it cannot be divided among a multitude; we never read that the *people* were call'd *gods*, or the *Lord's anointed*, or *nurſing fathers*, nor do we read of any *Ariſtocracies* or *Democracies* at all in the holy Scriptures. Therefore I aſcribe to his judgment, who holds, That the firmeſt and moſt *compendious* way of Government is, when the ſupremacy reſides in one *perſon*, whom the people ought to truſt by an indiſpenſable

dispensable necessity for their own advantage, in steering the great Vessel of the Common-wealth, with the advice of a select *Council*: And herein a State may be compar'd to a *Gally*, wherein some are to observe the *Compass*, others to furl the *Sayls*, others to handle the *Ropes*, others to tug at the *Oar*, others to be ready in *Arms*, but there is but one *Pilot* to sit at the Helm. It is requisite also that this single Person should be attended with a visible standing veteran Army, to be pay'd well, and punish'd well if there be cause, to awe as well as to *secure* the people, It being the greatest solœcism that can be in Government, to depend meerly upon the affections of the *people*, for there is not such a wavering windy thing, not such an humoursome and cross-grain'd animal in the world as the *common people*; And what Authors soever, either Greek or Latine, have pretended to policie, affirm so much. There be divers modern Writers that busie their brains to prescribe rules of Government, but they involve the Reader in *Universals*, or rather bring him to a labyrinth of distinctions, whereby they make the *Art of Mastering man* to be more difficult, and distracted then it is in it self.

Pli-

Philanglus.

SIR,

Touching the account you ſpeak of, that I have endeavour'd to render of the traverſes that happen'd for matter of fact during the Reign of the *long Parliament*, I have given you but curſory ſhort touches; There would be ſubject enough for ſo many Tomes as would make a Library, if one ſhould relate all; But for inferences and concluſions in point of Judgement which may be drawn out of what hath been ſaid already, I leave that to be done in the cloſe of every ones private Conſcience.

GLoria Honorq; Deo ſæCLorVM In ſæCVLa ſVnto.
A Chronogram of the preſent Yeer,
and that will laſt till 1920.

An

An Advertiſement.

LEt the diſcerning *Reader* be pleas'd to know, that whereas in the fore-going *Conference* there are ſome free touches at divers things happen'd in the late *long Parliament*. What is ſpoken that way, is ſpoken with this reſtrictive *Rule* of the *Logician*: *Non de ſingulis generum, ſed de generibus ſingulorum*: It is well known, there ſate there as prudential and well temper'd men, as *England* affords, whoſe chiefeſt aym was the common good. The former Diſcourſe is far from meaning ſuch Noble Patriots, but only *Thoſe*, who having taſted the ſweetneſs of Authority, thought to immortalize that Seſſion, and make themſelves *perpetual Dictators*.

FINIS.